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New South Wales

REPORT

[*FIRST PART*]

OF THE

INTOXICATING DRINK INQUIRY COMMISSION;

TOGETHER WITH

EPITOMES OF THE EVIDENCE.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1887.

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REPORT.

FIRST PART.

To His Excellency the Right Honorable CHARLES ROBERT, BARON CARRINGTON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies.

MAY IT PLEASE YOUR EXCELLENCY,—

We who have signed and affixed our seals to this the First Part of our Report, having been appointed by Letters Patent under the Great Seal of the Colony, dated respectively the 22nd day of February and the 12th day of March, 1886, issued under your Excellency's hand, "authorizing and appointing us, or any three or more of us, to make a diligent and full inquiry into the causes of the excessive use of intoxicating drink by the people of this Colony, the deterioration it has produced in public morality, and the extent to which legislation has been effective or otherwise in repressing the vice of drunkenness, and regulating the traffic in liquor throughout the said Colony, and to report to your Excellency our conclusions in the premises, and also to make such recommendations for further remedial or amended legislation as might seem to us desirable in the matter," have the honor to submit to your Excellency the following Report:—

Preliminary.—Before proceeding to submit the results of the evidence, which we think it incumbent on us to arrange, as far as practicable, according to the order of subjects indicated in our Commission, we desire to state that in the minutes of evidence appended to this Report the same order has not been followed, because it would have been in the highest degree inconvenient, if even it had been practicable,

to have done so. The statements and opinions of the witnesses on the various subjects upon which they were examined will therefore be found scattered through their evidence, while it has been our endeavour to collect and arrange it as methodically as possible under appropriate titles in our Report. During the session of the Commission eighty-three meetings have been held, at which the evidence of 115 witnesses was obtained. In the first place the evidence of the Police was taken, then followed that of Sir Alfred Stephen and the Stipendiary Magistrates; Comptroller-General of Prisons; and the Gaol Authorities, including the Governor, Doctor, Chaplain, and the Superintendent of the Reception House for Lunatics; then the evidence of the Collector of Customs; of Dr. Manning; of Mr. Barney, the Inspector of Distilleries; Mr. Hamlet and Mr. Watt, Government Analysts; Mr. Noble, Temperance Lecturer; Drs. MacLaurin and Mackellar; the Right Rev. Bishop Barry; Dr. Tucker; the Revs. F. B. Boyce, J. D. Langley, R. Sellors, and J. Jefferis; Messrs. Booth and Clark; Judge Wilkinson; Messrs. J. M. Toohey and J. B. Olliffe, M's.P., formerly members of the Commission; Messrs. Weale and Thompson, office-bearers of the Amalgamated Licensed Victuallers' Association; Messrs. Hilder and North, and a number of licensed victuallers; Sir John Robertson; and Mr. M. Joseph, an hotel broker. After the examination of these witnesses, on the suggestion of Mr. Dibbs (then Colonial Secretary) we examined a large number of artizans and operatives from the principal factories and shops. We also examined Capt. Adams, of the S.S. "Newcastle"; Mr. Whitton, Provedore of the S.S. "Maitland"; Mr. T. Davis, Secretary of the Seamen's Union; the Rev. W. Bradley and Mr. J. S. Shearston, connected with the Sailors' Mission; Mr. Vale, Secretary to the Victorian Alliance for the Suppression of Intemperance; Mr. W. Richardson; Col. P. G. Ballingall, Member of the Legislature of Iowa, U.S.; Mr. Knapp, Secretary of the Local Option League; and Messrs. C. B. Hayes and J. H. Moore, both the last named gentlemen having recently arrived from Canada, and being in a position to give valuable evidence on the working of the Canadian Liquor Traffic Acts.

It is necessary to add that our inquiries have been necessarily limited to the Metropolitan Licensing District, although indirectly much valuable evidence has been elicited which is not limited to any district, but is applicable to the entire Colony. Possibly our inquiries might, in some respects, have

claimed a greater range and a higher degree of authority thant hey may now receive had they been extended to some of the larger towns of the Colony, such as Newcastle, Maitland, Bathurst, Albury, Grafton, Tamworth, Wagga Wagga,—but as the expense of visiting those towns was considered by the Government to be greater than they cared to authorize, and than the results would be likely to justify, we were obliged to abandon the idea of taking evidence in the country.

Lastly, we desire to state by way of explanation that the vast range of the Inquiry delegated to us has rendered it necessary that we should submit our Report in two Parts. This (the First Part) will, however, be found to embrace the more important of the numerous questions involved in the exercise of the Drink Traffic.

CONSUMPTION OF LIQUOR IN NEW SOUTH WALES.

Our Commission begins by stating that your Excellency "having had under consideration the serious evils directly and indirectly produced by the large and increasing consumption of intoxicants in the Colony of New South Wales," had thought fit to authorize us to make a diligent and full inquiry into the causes of this excessive use of intoxicating drink. The first subject, therefore, upon which it is our duty to report is, the consumption of liquor in this Colony. The growth of that consumption is shown in the appended tables; and by comparing them with the consumption statistics of other countries we shall be better able to ascertain with some approximation to accuracy the comparative, as well as the proportionate, development of the Liquor traffic of this Colony.

Upon this somewhat difficult subject of investigation we have, in addition to the general statements and opinions of witnesses speaking without official or special knowledge of the matter, the very valuable evidence of the Collector of Customs, the Chief Inspector of Distilleries, and the gentlemen who were authorized to give evidence on behalf of the Local Option League, the Rev. F. B. Boyce and Mr. E. J. H. Knapp.

In the course of his examination (*see Minutes of Evidence, pp.* 163, *&c.*), the Collector of Customs produced Customs statistics covering, with subsequent statistics for the year

1886 furnished to the Commission by the same officer, a complete decennial period, viz., from 1877 to 1886, and showing the quantities of the various imported liquors on which duty had been paid, or in other words, which had passed into consumption. From these returns we are able to compile the tables below, in which the duty paid is, in the case of spirits, on proof gallons, and for other liquors on liquid gallons*:—

SPIRITS (Imported).

Year.	Mean Population.	Rate per gallon.	Proof gallons.	£	Rate in gallons per head of population.
		s. d.			
1877	628,944	10 0	1,012,806	506,403	1·61
1878	657,797	10 0	1,089,191	544,595	1·65
1879	690,673	10 0	979,210	489,605	1·49
†		12 0	52,779	31,667	
1880	725,676	12 0	999,744	599,847	1·37
1881	760,291	12 0	1,103,101	661,861	1·45
1882	794,761	12 0	1,154,720	692,832	1·45
1883	834,288	12 0	1,194,650	716,790	1·43
1884	880,846	12 0	1,239,495	743,697	1·41
1885	930,931	12 0	1,204,784	722,870	1·29
1886	979,940	12 0	1,162,407	696,975	1·19

* Other Returns have from time to time been compiled and presented to Parliament, showing the quantities imported. † From 11th December, 1879.

SPIRITS (Colonial Distilled).

Year.	Rate per gallon.	Proof gallons.	£	Rate in gallons per head of population.
	s. d.			
1877	10 0	16,336	8,168	·026
1878	10 0	8,014	4,007	·012
1879	.....	7,698	3,845	·011
1880	12 0	12,255	7,353	·017
1881	12 0	6,173	3,704	·008
1882	12 0	9,395	5,637	·012
1883	12 0	20,340	12,204	·024
1884	12 0	17,706	10,624	·020
1885	12 0	14,240	8,544	·015
1886	12 0	9,733	5,840	·010

Wine (Still).

Year.	Rate per gallon.	Gallons.	£	Rate in gallons per head of population.
	s. d.			
1877	4 0	176,734	35,346	·28
1878	4 0	184,360	36,872	·28
1879	4 0	144,813	28,962	·22
*	5 0	9,726	2,431	
1880	5 0	143,433	35,858	·20
1881	5 0	157,441	39,360	·21
1882	5 0	165,388	41,347	·20
1883	5 0	160,592	40,148	·19
1884	5 0	163,752	40,938	·19
1885	5 0	169,164	42,291	·18
1886	5 0	152,956	38,239	·16

* From 11th December, 1879.

Wine (Sparkling).

Year.	Rate per gallon.	Gallons.	£	Rate in gallons per head of population.
	s. d.			
1877	6 0	13,349	4,004	·021
1878	6 0	13,363	4,008	·020
1879	6 0	10,467	3,140	·016
*	10 0	699	349	
1880	10 0	10,757	5,378	·015
1881	10 0	15,405	7,702	·020
1882	10 0	20,618	10,309	·026
1883	10 0	22,020	11,010	·026
1884	10 0	24,318	12,159	·028
1885	10 0	24,476	12,238	·026
1886	10 0	21,038	10,519	·021

* From 11th December, 1879.

Ale and Beer in Wood.

Year.	Rate per gallon.	Gallons.	£	Rate in gallons per head of population.
	s. d.			
1877	0 6	656,367	16,409	1·04
1878	0 6	473,225	11,830	·72
1879	0 6	521,710	13,042	·78
* „	0 9	13,604	510	
1880	0 9	8,533	320	·48
† „	0 6	340,815	8,520	
1881	0 6	445,013	11,125	·59
1882	0 6	398,720	9,968	·50
1883	0 6	472,000	11,810	·57
1884	0 6	581,360	14,534	·66
1885	0 6	622,400	15,560	·67
1886	0 6	697,400	17,435	·71

* From 11th December, 1879, to 13th January, 1880. † From 16th January, 1880.

Ale and Beer in Bottle.

Year.	Rate per gallon.	Gallons.	£	Rate in gallons per head of population.
	s. d.			
1877	0 9	513,506	19,256	·82
1878	0 9	587,546	22,033	·89
1879	0 9	599,502	22,481	·92
* „	1 0	34,254	1,712	
1880	1 0	24,650	1,232	·82
† „	0 9	573,162	21,493	
1881	0 9	625,447	23,454	·82
1882	0 9	842,826	31,606	1·06
1883	0 9	937,653	35,162	1·12
1884	0 9	1,031,333	38,675	1·17
1885	0 9	1,216,800	45,640	1·31
1886	0 9	1,377,653	51,662	1·41

* From 11th December, 1879, to 15th January, 1880. † From 16th January, 1880.

The subjoined table, showing the quantities of wines and beers manufactured in the Colony for the years 1881–1886, together with quantities exported, is constructed, for the first four years in the column relating to beers, from a Return supplied by the Chief Inspector of Distilleries; for the two last years in that column the estimate of manufacture is based on the returns taken under the Beer Duty Act:—

WINES and BEER (Colonial products).

Year.	Wines.			Beers.		
	No. of gallons manufactured.	No. of gallons exported.	Rate in gallons per head of population.	No. of gallons manufactured.	No. of gallons exported.	Rate in gallons per head of population.
1881	504,000	22,377	·63	9,642,800	23,032	12·65
1882	513,600	22,425	·61	10,800,000	24,679	13·55
1883	543,600	43,288	·59	12,175,300	21,584	14·54
1884	589,604	29,157	·63	13,068,920	28,201	14·80
1885	441,612	28,499	·44	11,000,000*	13,274	11·21
1886	555,470	24,217	·54	10,000,000*	10,521	10·73

* The output was estimated by the Chief Inspector of Distilleries at 14,716,000 gallons for 1885, and 13,178,912 gallons for 1886; the above are our estimates, for the reasons stated, *post* page 30.

AVERAGE Consumption in gallons per head of population for the years 1877–1886.

Year.	Spirits.			Imported Beers.		Colonial Beer.	Total.	Imported Wines.		Colonial Wines.	Total.
	Imported.	Colonial.	Total.	In wood.	In bottle.			Still.	Sparkling.		
1877	1·61	·026	1·64	1·04	·82	.....	1·86	·28	·021	.....	·30
1878	1·65	·012	1·66	·72	·89	.....	1·61	·28	·020	.....	·30
1879	1·49	·011	1·50	·78	·92	.....	1·70	·22	·016	.....	·23
1880	1·37	·017	1·38	·48	·82	.....	1·30	·20	·015	.....	·21
1881	1·45	·008	1·46	·59	·82	12·65	14·06	·21	·020	·63	·86
1882	1·45	·012	1·46	·50	1·06	13·55	15·11	·20	·026	·61	·83
1883	1·43	·024	1·45	·57	1·12	14·54	16·23	·19	·026	·59	·80
1884	1·41	·020	1·43	·66	1·17	14·80	16·63	·19	·028	·63	·84
1885	1·29	·015	1·30	·67	1·31	11·21	13·19	·18	·026	·44	·64
1886	1·19	·010	1·20	·71	1·41	10·73	12·85	·16	·021	·54	·72

We are indebted for the appended table showing the total consumption of spirits, wines, and beer in Victoria, during the years 1885 and 1886, to the courtesy of the Secretary for Trade and Customs of that Colony :—

RETURN showing the total consumption of spirits, wines, and beer in the Colony of Victoria, during the years 1885 and 1886.

Year.	Spirits.		Imported Beer.		Colonial Beer (approximate).	Imported Wines.		Colonial Wines (approximate).
	Imported.	Distilled in the Colony.	In bottle.	In wood.		Still.	Sparkling.	
	Proof gals.	Proof gals.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.
1885 ...	869,697	173,311	766,725	177,094*	14,500,000	103,871	26,645	1,003,500
1886 ...	929,127	150,154	884,572	192,737*	15,000,000	103,888	26,666	1,100,000

* Includes cider—1,236 gallons in 1885, and 1,322 gallons in 1886.

From this table we are able to construct a table of average consumption per head of population for the years which it embraces :—

AVERAGE Consumption per head of population in the Colony of Victoria for the years 1885 and 1886.

Year.	Spirits.			Imported Beer.		Colonial Beer.	Total.	Imported Wines.		Colonial Wines.	Total.
	Imported	Colonial.	Total.	In wood.	In bottle.			Still.	Sparkling.		
1885	·88	·17	1·05	·18	·78	14·84	15·80	·106	·027	1·02	1·153
1886	·92	·15	1·07	·19	·88	14·95	16·02	·103	·026	1·09	1·219

The results of the comparison of the consumption of liquors as between New South Wales and Victoria may be thus stated for 1886, on an average per head of population :—

	Spirits.	Beers.	Wines.
New South Wales ...	1·20	12·85	0·72
Victoria	1·07	16·02	1·22

From such authentic information as we have had access to, the subjoined tables have been constructed in order to show the total consumption of liquors and the average in gallons per head of population for the year 1885 in the Colonies of Queensland, New Zealand, and South Australia.

STATISTICS showing consumption of Liquors in Queensland, and average in gallons per head of population for 1885.

Year.	Spirits—Imported and Colonial.	Average per head.	Beer.		Average per head.	Wine.		Average per head.	Population.
			Imported.	Colonial (approximate).		Imported.	Colonial (approximate).		
1885	558,920	1·91	898,449	2,238,152	10·73	94,700	94,700	·64	292,337

SIMILAR Statistics for New Zealand for the year 1885.

Year.	Spirits—Imported and Colonial.	Average per head.	Imported Beer.		Colonial Beer.	Average per head.	Imported Wine.		Australian Wine.	Average per head.	Population.
			In bottle.	In wood.			Still.	Sparkling.			
1885	493,819	·87	382,151	39,618	4,457,520	8·63	103,797	9,852	36,151	·26	565,012

SIMILAR statistics for South Australia for the year 1885.

Year.	Spirits.		Average per head.	Beer.		Average per head.	Wine.		Average per head.	Population.
	Imported.	Colonial (approximate).		Imported.	Colonial (approximate).		Imported.	Colonial (approximate.)		
1885	208,915	41,085	·78	347,316	4,152,684	14·08	22,689	477,311	1·56	319,515

In comparing these statistics of consumption it is necessary to bear in mind that in respect of Colonial Beer the estimate in Victoria, Queensland, and South Australia is approximate only, and that in all the Colonies the estimate of Colonial-

made wine is also more or less of the like character. In this Colony the estimate of Colonial beer—a very large factor in Drink Statistics—has also been hitherto only an approximate one.

For the year 1885 the consumption per head of intoxicating liquor in the United Kingdom—so far as we have been able to ascertain—was as follows :—

Spirits	0·97
Wines	0·38
Beer	26·85

the quantities being—of spirits, 35,361,461 gallons; of wines, 13,767,928 gallons; and of beer, 975,644,568 gallons.

Compared with the consumption of the United Kingdom for the year 1885 our consumption of spirits was more by ·33 of a gallon, and our consumption of beers was less by 13·66 gallons, while our consumption of wine was more by ·26 of a gallon.

Compared with Victoria for the year 1886, the consumption of spirits in New South Wales was ·13 of a gallon above that Colony for each head of the population; of beers, about 3·17 gallons below; and of wines, about ·50 of a gallon below.

But as the year 1885 is the latest for which we have been able to procure statistics of consumption for all the six countries presently to be compared, we take that as the datum year, with the following results :—

Compared with the consumption of Victoria (for the same year, 1885) our consumption of spirits was ·25 of a gallon more; of beers, 2·61 gallons less; and of wines, ·51 of a gallon less.

Compared with the consumption of the Northern Colony, Queensland, our consumption of spirits was ·61 of a gallon less; of beers, 2·46 gallons more; and of wines, the same. Compared with the consumption of New Zealand, our consumption of spirits was ·43 of a gallon more; of beers, 4·56 gallons more; and of wines ·38 of a gallon more. Compared with the consumption of South Australia, our consumption of spirits was ·52 of a gallon more; of beers, ·89 of a gallon less; and of wines, ·92 of a gallon less.

The relative consumption of the various kinds of liquor per head of the population of the United Kingdom, New

South Wales, Victoria, New Zealand, Queensland, and South Australia, for the year 1885, is shown in the table below in gallons :—

	Spirits.	Beers.	Wines.
United Kingdom ...	0·97	26·85	0·38
New South Wales ...	1·30	13·19	0·64
Victoria	1·05	15·80	1·15
New Zealand	0·87	8·63	0·26
Queensland	1·91	10·73	0·64
South Australia ...	0·78	14·08	1·56

We have endeavoured by means of the above table to show the relative consumption of liquors for the year 1885 as between the countries therein mentioned and this Colony ; but the decennial tables furnished by Mr. Powell enable us also to note the progressive increase and decrease of consumption from the year 1877 to the year 1886. We think that the figures shown in the third and fifth columns of these tables prove, beyond the possibility of doubt, that instead of increasing with the increase of population in this Colony, the consumption of every kind of liquor, except imported sparkling wines, imported bottled beer, and Colonial beer, has decreased, not always by the same ratio, for the entire period, or by the same ratio for any given year, but steadidly, and in some cases, by very strongly marked ratios. In spirits—by far the most common and pernicious among the factors of drunkenness—the consumption in 1877 for imported spirits stood at 1·61 per head of the population. In 1878 it stood at 1·65 per head. In 1886 the consumption was 1·19 per head ; the decline for the last six years was regular, and, for the last two years of that period, marked. The consumption of Colonial spirits has, during the same period, descended from ·026 in 1877 to ·010 in 1886.

Similarly the consumption of imported beer in wood has declined from 1·04 in 1877 to ·71 in 1886—that of still wines from ·28 in 1877 to ·16 in 1886. The consumption of sparkling wines is the same, ·021, for each year of comparison, though that consumption slightly increased during the four years preceding 1886. The consumption of Colonial wine stood at ·63 in 1881. That for the preceding five years has not been ascertained. In 1886 it stood at ·54. On the other hand the consumption of imported bottled beer has varied from ·82 in 1877 to 1·41 in 1886, and of Colonial

beer, from 12·65 in 1881 (an approximate estimate) to 11·21 in 1885, and 10·73 in 1886 (also approximate estimates).*

The appended Drink Bill for this Colony, with comparative figures for those of the United Kingdom, the United States of America, and for Victoria and New Zealand, has been compiled from information and explanations supplied by the Rev. F. B. Boyce.

New South Wales Drink Bill, by the Rev. F. B. Boyce.—1885.

Description of liquors.	In evidence.			In explanation.			Increase.	Decrease.
	Gallons.	Price.	Amount.	Gallons.	Price.	Amount.		
			£			£	£	£
Spirits	†1,142,949	35/–	2,000,157	†1,213,205	35/–	2,123,108	122,951	.....
Wines (imported).	242,502	25/–	303,127	214,158	20/–	214,158	.....	32,281
Do (sparkling, imported).	.....	.....	.....	28,344	40/–	56,688	.....	.....
Wines (Colonial)..	384,006	10/–	192,003	417,250	10/–	208,625	16,622	.....
Beer (imported in wood).	654,646	4/–	130,929	654,646	5/–	163,661	32,732	.....
Beer (imported in bottle).	1,444,911	7/–	505,719	1,444,911	7/–	505,719	.....	.....
Beer (Colonial) ...	14,542,319	2/–	1,454,232	14,701,838	3/–	2,205,275	751,043	.....
			4,586,167			5,477,234	891,067	32,281

		In evidence.	In explanation.
		£ s. d.	£ s. d.
Drink Bill per head—New South Wales,	1884 ...	.....	5 11 8
Do do	1885 ...	4 13 6	5 11 8½
Do Victoria	„ ...	.....	4 19 11‡
Do New Zealand	„ ...	.....	3 0 0
Do United Kingdom	„ ...	3 7 6	3 7 10
Do United States	1884 ...	1 13 3	1 13 6

* In these comparisons the figures represent the respective proportions in gallons, and in the case of spirits, imported or Colonial, the gallons are proof gallons.

‡ Proof gallons and amount calculated by deduction of perfumeries.

† These figures have been accepted without verification, and without information as to the basis of population on which the average was arrived at.

New South Wales Drink Bill for 1885 (Corrected).

This Table is compiled from the Custom-house Returns, except for Colonial beer and wine, the figures for which are taken from the Return of the Chief Inspector of Distilleries. The Rev. Mr. Boyce's Drink Bill figures are given under each head, and his retail prices of liquors have been adopted.

Year.	Description of liquors.	Amounts in gallons.	Retail price per gallon.	Money value.	Population.	Rate per head of population.
				£		
1885	Spirits	1,213,203 **1,213,205**	35/-	2,123,105		
	Wines (imp.)—still ...	167,964 **214,158**	20/-	167,964		
	Do (do) sparkling	23,720 **28,344**	40/-	47,440		
	Do (Colonial) ...	413,113 **417,250**	10/-	206,556	930,931 (mean). **980,573***	£5 14 0 **£5 11 8½**
	Beer (imp.)—in wood...	615,036 **654,646**	5/-	153,759		
	Do (do) in bottle	1,153,969 **1,444,911**	7/-	403,889		
	Do (Colonial) ...	14,701,838	3/-	2,205,275		
	Total			5,307,988	930,931	£5 14 0
	Total			**5,477,234**	**980,573**	**£5 11 8½**

Note.—The figures in black or large type are Mr. Boyce's, and appear to represent total importations without making allowance for exports and stocks in bond at the end of the year. As regards spirits the difference is inconsiderable, but in the case of wines and beers the difference is considerable. In compiling this Drink Bill the figures representing the total number of gallons on which the duty has been paid have been used for imported wines, and beers less drawbacks; for Colonial wine and beer the figures represent the total estimated manufacture, less the number of gallons exported; these last were furnished by Mr. Barney the Inspector of Distilleries.

* Mr. Boyce appears to have taken the population at the end of the year instead of the mean population.

New South Wales Drink Bill for 1886.

This Table is compiled from the Custom-house Returns, except for Colonial wine, the figures for which are taken from a Return of the Chief Inspector of Distilleries. Retail prices are the same as those of the Rev. Mr. Boyce.

Year.	Description of liquors.	Amounts in gallons.	Retail price per gallon.	Money value.	Population.	Rate per head of population.
				£		
1886	Spirits	1,166,130	35/–	2,040,727		
	Wines (imp.)—still	151,699	20/–	151,699		
	Do (do) sparkling	19,994	40/–	39,988		£ s. d.
	Do (Colonial) ...	531,253	10/–	265,626	979,940 (mean).	4 14 6¾
	Beer (imp.), in wood	687,074	5/–	171,768		
	Do (do) in bottle	1,330,874	7/–	465,806		
	Do (Colonial) ...	9,989,377	3/–	1,498,406		
	Total			4,634,020	979,940	£4 14 6¾

It will be observed that there are two columns in the first of these three Drink Bill tables; in the first column will be found the figures given by the Rev. Mr. Boyce in his evidence before the Commission. Mr. Boyce thought it well afterwards to correct those figures, and he did so in a letter to the Commission (*First Appendix* M). These corrections are shown in the second column of the table. They increase the quantities on every article consumed, except beer in wood and bottle, and imported wines. And in the case of Colonial beer, not only is the quantity manufactured raised from 14,542,319 gallons to 14,701,838 gallons, but the retail price is increased from 2s. to 3s. per gallon. The effect of this last increase alone was to raise the Drink Bill for Colonial beer from £1,454,232 to £2,205,275; that is to say, by no less a sum than £751,043.

We have made, in the second table, a corrected statement, for the purpose of showing at a glance the true quantities of liquor that went into consumption during the year 1885. This we have done by deducting exports and stocks in bond from imports, which Mr. Boyce seems not to have done.

On the other hand we have given him the advantage of a smaller population, by taking the mean population for the year under consideration instead of the population as computed at the end of that year. We have also accepted in every case his estimate of the selling price. The result is that instead of the average per head reaching £5 11s. 8½d., as he computed in his explanation (above referred to), it should reach £5 14s. per head.

But there is a fundamental and fatal error in the estimate of Colonial beer which makes havoc of Mr. Boyce's Drink Bill to such an extent that it is almost valueless as a measure of drunkenness. The output of Colonial beer has been enormously overrated. Instead of reaching 14,701,838 gallons for 1885, it could not, we believe, have exceeded eleven millions. We were unable, until quite recently, to satisfy ourselves on this point, but having waited until the returns for 1886–7 under, the Beer Duty Act recently passed should be forthcoming, we now know (*see Mr. Powell's letter, First Appendix*, V) that for the year ending June, 1887, not more than 10,000,000 gallons were brewed throughout the Colony, and we are assured by Mr. Powell that we may quite safely assume that, when the returns are published, those figures will not be exceeded, or if exceeded at all, that the excess will be inappreciable. We, of course, cannot say that the output for 1885 might not have been larger than that for the succeeding year, or for the twelve months covered by the brewers' returns under the Beer Duty Act, but, after making all possible inquiries open to us, we feel satisfied that the output for 1885 could not have exceeded that for 1886–7 by more than 1,000,000 gallons.

It is open, therefore, to anyone to controvert Mr. Boyce's Drink Bill for 1885, and it will be seen by Mr. Powell's letter (*First Appendix*, H 1) that that experienced and accurate officer considered Mr. Boyce's estimate of output as well as his prices to be too high.

But when we come to the construction of a Drink Bill for the year 1886 we are on firmer ground. In the table for that year we have adopted Mr. Boyce's prices, high as they undoubtedly are in most cases, and we have taken from official returns the quantities, deducting of course the exports.

The result is that for that year (1886) the Drink Bill of this Colony, instead of reaching £5,131,000, as computed by Mr. Boyce (see Report of Deputation of Local Option League

to the Colonial Secretary, August 13th, 1887), could not have exceeded at Mr. Boyce's prices, £4,634,020; or in other words, £4 14s. 6¾d., instead of £5 4s. 8¾d., per head of mean population; a difference equal to 10s. 2d. per head.

It will also be worth noting that, as compared with the Drink Bill average per head for 1885, according to Mr. Boyce's figures, that for 1886 is, within a few pence, less by 20s. per head.

We consider that this result will compare not unfavourably with the Drink Bills of both Victoria and Queensland, assuming that those Bills were calculated on the same system as we have adopted; and we venture to believe that we have demonstrated to all impartial judges that this Colony cannot claim that position for expenditure on drink which had been so incautiously allotted to it(*).

But, as a matter of fact, all Drink Bills are merely misleading if regarded as accurate measures of the consumption of liquor in any given country, or as a test of the inebriety of one community when compared with that of another.

The table on page 27 shows the relative consumption of spirits, beer, and wines in gallons per head of the population for the United Kingdom and five Australasian Colonies. This table, taken in conjunction with arrests and convictions for drunkenness, should afford a much more trustworthy guide to those who are desirous of ascertaining the truth than any possible Drink Bill, however accurately constructed.

But whether our expenditure on liquors were £5 11s. 8½d., or, as corrected, £5 14s., per head of population for 1885, or, as seems more probable, £5 0s. 5d., or thereabout, it is impossible, we think, to regard that expenditure with satisfaction. We may admit with Mr. Powell (*see his letter, First Appendix*, H 1) that "whatever may be the correct Drink Bill against the consumers of alcoholic beverages in New South Wales, it should not be forgotten that these liquors contributed £847,151 to the revenue for 1885"—that, in other words, the Legislature would perhaps experience an insurmountable difficulty in replacing that contribution to the Treasury by any practicable expedient in taxation; but it still remains a fact that if we all threw into the Treasury chest what we spend in liquor each year, the burden

(*) We are aware that the framers of our Drink Bills are in the habit of basing their calculations on Official Returns; but the returns for Colonial beer, prior to the passing of the Beer Duty Act were, on the face of them, merely approximations; and a large allowance should have been made on that score. But instead of making any allowance, the framers of Drink Bills for this Colony seem to have accepted with avidity all maximum quantities, and even to have forgotten to deduct exports or make any other proper allowances, so as to get at "actual consumption."

of our taxation might be lightened by more than one-half. On the other hand it must be admitted that there has been a marked decline in our consumption of all liquors (except imported beers), though, whether we are entitled to claim credit for the fact from having adopted sounder opinions on the subject of alcohol, or because we have had less money to spend on it than we had in former years, it may be difficult to determine. The fact, in any case, is a noticeable one, whatever moral it may be made to point.

THE QUALITY OF THE LIQUOR CONSUMED.

Passing from the consideration of the quantity, to the quality, of the liquor consumed in this Colony, we have, again, the evidence of people giving their testimony, mainly as the result of hearsay—the expression of ordinary public opinion—and we have the evidence of official persons, some of whom speak with the authority of experts, and from large experience. The opinion of a considerable majority of the witnesses examined is, that although there may be no deleterious foreign ingredients discoverable by the analyst in the spirits commonly consumed by the people of this Colony, yet that those spirits are, in the cheaper forms offered by the retailers, very injurious to health; that they are in many cases unfit for human consumption because of the presence of fusel oil—the best indication, in the case of spirits distilled from grain, of coarseness and immaturity; and that the base of most of the ordinary spirits vended in public-houses is silent spirit, from which, by the addition of flavouring and other materials, brandy or whisky can be compounded with almost equal facility, and so far as the consumer is concerned, with equal intoxicating effect.

The sophistication and adulteration of liquors as a subject of repressive legislation is as old as, if not older than, the time of Edward III, but unfortunately the science of "sophistication" has advanced with a rapidity far greater than the science of its detection.

But it would be a mistake to infer from the evidence taken by us that any considerable proportion of sophisticated or deleterious spirit, is manufactured in this Colony. We took pains to discover whether any direct evidence of "doctoring" in any noticeable degree could be furnished; but the result of a somewhat lengthy investigation has been to distinctly disprove the existence of such a system on any scale suggesting legislative interference. The fact is, it does

not pay to doctor liquors in this Colony when imported whisky, the most popular of spirituous drinks, can be bought in bond at 3s. 6d. per gallon, and brandy at 3s. It is true that there has been some importation of what are called "Essences," liquids intended to assist in the production of such beverages as Irish whisky, rum, gin, port, sherry, "hot tom," hot tom bitters, ginger ale, &c. But the quantities imported are, we are informed by the Collector of Customs, not such as to account in any appreciable degree for the quantity of sophisticated and noxious liquor alleged to be always passing into consumption. Nine samples of these essences were forwarded by us to the Government Analyst, who reported on them in the following terms :—

The general composition of these liquids is: first—a strong, ethylic alcohol, varying from 40 to 50 per cent., probably good rectified spirit, a suitable colouring matter, together with two or more essential oils, alcohols or extracts, so as to produce the desired flavour.

By following the directions given on the label, the actual amount of essence in a liquor so treated would be from one to three parts in a thousand. Judging from the amount of fusel oil in any one of them, a liquor so compounded, could not, in my opinion, be rendered more injurious than it was before the essence was added. That is to say that the use of these essences, *secundum artem*, in the mixing or blending of spirits is not, in my opinion, injurious to health.

There are two specific uses for these essences: first, by taking a given volume of white or silent spirit and adding the requisite quantity of essence, an artificial spirituous liquor may be compounded second—given a low class brandy, an inferior whisky, or a cheap rum, these liquors might be considerably improved by the addition of the proper essence and colouring matter. A cheap or damaged "port" wine, by the judicious mixture of the essence and skilful manipulation could be made to pass muster amongst publicans easily enough. For instance, a badly made colonial wine (red) could, by essence, and by fortifying with brandy, be made into as good a port wine as that usually met with.

In addition to those analyses I have made up artificial or spurious liquors both with and without the aid of the essences. Starting with plain white spirit alone, I have manufactured gin, whisky, and brandy, samples of which I now send to the Commission for inspection.

However, in actual practice I do not consider that liquors are manufactured from white, silent, or plain spirit in this country. It would be too perilous an undertaking, as I found that with some of the essences admixture alone was insufficient, and that distillation was necessary.

I believe the use of the essences is confined almost entirely to the so-called improvement of poor liquors. The spirit importer or merchant usually makes use of essences with liquors already known, as brandy, whisky, rum, &c., and not for their manufacture from silent spirit.

We may appear to have given rather too much consideration to the examination of these essences, in view of the assurance of the Collector of Customs that the quantity imported is inconsiderable, and of the opinion of the Government Analyst that "their use, *secundum artem*, is not

injurious to health," but we had heard, in so many quarters, that a large proportion of the deleterious liquors retailed in low class public-houses, was composed of these essences, that we felt it our duty to give them our special attention. But, while admitting with Mr. Hamlet that a liquor manufactured of silent spirit and one of these essences may not be more injurious than it would be without the essence, also that badly made red colonial wine could by the assistance of the "port wine essence," and fortification with brandy, be made into as good a port as that usually met with,—yet we think that no mercy should be shown to any of these sophisticants, or to the "sophisticators" who use them; and that it may be fairly regarded as a duty of the Government to intervene if possible, between the public upon whom sham or doctored liquors are palmed off, and the unscrupulous people who are not ashamed to manufacture them. The liquors compounded may not be demonstrably injurious to health, or may not be more injurious than the base of the composition, silent spirit, or bad Colonial wine (as the case may be), but they are produced by fraud. They are represented to be what they are not, and their manufacture should, we think, be rigorously prohibited. The best method of prohibition, in our opinion, would be either to place a very heavy import duty on "essences" and all similar sophisticants, or to absolutely prohibit their importation, as, we are given to understand, is the course taken by the Customs authorities in the United Kingdom.

We would recommend the same course to be pursued with certain liquid abominations imported for the obvious purpose of being mixed with weaker liquids and then passed into consumption. Samples of these liquids were sent to us by the Collector of Customs. Their actual alcoholic strength had been "obscured," so as to cheat the ordinary test; but, according to Mr. Hamlet's analyses of three samples sent him, two contained a percentage of absolute alcohol of 58·50, equal to 16 degrees overproof; the third contained of absolute alcohol 58·25, equal to 15 degrees overproof. All the samples contained fusel oil, and according to the evidence of Mr. C. Gordon, Principal Gauger at the Customs, who distilled one sample, an unusually large proportion appearing in the distillate, said Mr. Gordon "as a thick white compact scum or sort of fat." These importations are meant to serve two more or less, infamous purposes. One is to evade the Customs duty by "obscuration of actual alcoholic strength," the other to provide the liquor sophisticator with a cheap and powerful agent. We think the Legislature might fairly be appealed

to for the protection of the public against these and similar importations. It is probable that in each of the cases mentioned (the "essences" and the "obscured" spirits), these liquids were intended to test the market. We have no reason to believe that any large quantities of what in one case is intended to produce counterfeit liquor, and in the other is a vile poison intended to raise the intoxicating strength of the liquid with which it is compounded, have as yet been introduced into the Colony. The best answer, therefore, to the importers who wish to test this market would be (in our opinion) a prompt legislative prohibition of their infamous attempt to establish this trade—a trade, be it remembered, which begins by a cunning device to swindle the Customs, and then establishes itself as an agency for the wholesale distribution of poison.

We now pass to the analyses, conducted at our instance, of such samples of spirits procured from the various Sydney Bonds as are most in demand. Sixteen samples of brandy, whisky, and rum were procured from the respective bonded warehouses and stores enumerated in Table K (First Appendix), and these were submitted for analysis to the Government Analyst.

The selling prices of these spirits are shown in the table to vary from 3s. per gallon (in bond) for brandy and 3s. 6d. for whisky, to 43s. 6d. and 12s. 6d.,—and rum, with 83·77 per cent. of alcohol in it, or 155·13 by proof, was priced as low as 2s. per gallon.

Of these samples the Government Analyst reported that, with the exception of traces of lead and copper in the two samples of rum, none of the statutory ingredients mentioned in the Licensing Act had been discovered, nor had wood spirit been discovered in any of them; but that in seven samples fusel oil had been discovered.

Four samples of flask brandy were subsequently submitted to the Government Analyst (*see First Appendix*, K 2), but with the exception of traces of lead ("heavy traces," in one sample), none of the deleterious substances referred to in sec. 89 of the Licensing Act were discovered, and no traces of fusel oil were detected; but this, as Mr. Hamlet suggests, may have been owing to the fact that the bulk of the samples was used up in every case in searching for the substances mentioned in the Act.

At a later date, two samples of spirits obtained from the Collector of Customs were forwarded to Mr. Hamlet for analysis. We were informed that spirits of this kind were

being surreptitiously sold, in considerable quantities. The result of the analysis by Mr. Hamlet of the first sample was (*see First Appendix*, T) that it was 64·87 overproof, containing of absolute alcohol 91·11; that traces of fusel oil and other higher alcohols were discovered in it, and that it was considered by the analyst, to be entirely unfit for drinking purposes. The second sample on analysis was found to be 66·75 overproof, containing of absolute alcohol 92·48, and was also pronounced to be entirely unfit for drinking purposes. It likewise contained fusel oil.

The course pursued by us for the purpose of testing the quality of spirits was repeated in respect to fermented liquors of Colonial manufacture. For the purpose of analysis, fourteen samples of beer (including one of porter), the products of the various breweries in Sydney and its immediate neighbourhood were procured from ten retail establishments, by Sub-Inspector Lenthall, and submitted for analysis to the Government Analyst. He reported (*see First Appendix*, K 1) that all the samples were found to be absolutely free from any poisonous organic substances, metals, mineral acids, or the prohibited ingredients mentioned in the Licensing Act, and that the fixed and volatile solids were found to be those which should be expected in genuine malt liquors.

Then, in consequence of numerous reports that reached us respecting the alleged excessive alcoholic strength of lager beer, both German and American, sixteen samples were, by our request, procured by the same officer. The names of the various samples, with the result of the analysis in each case, are given in the First Appendix, Table K 3. It was found that all these lagers have a slightly higher alcoholic strength than the lager beer ordinarily used in Germany, but all were declared by the analyst to be "genuinely wholesome drinks," though some of them were manufactured from other materials than malt and hops, *e.g.*, the Pilsener and Fryderlund brands.

We will now go back a few years, and refer briefly to some elaborate analyses made in the year 1882 in consequence of a statement of Mr. J. K. Waters, Inspector of Liquors at Melbourne, purporting to represent the result of experiments on Sydney liquors made in September, 1881. The liquors (brandy, whisky, rum, and beer) procured by Mr. Waters were described by him in highly disparaging terms (*see First Appendix*, C 1). The analyses of thirty samples of spirits taken indiscriminately are shown in the second Table (C 1, as above). These go far to disprove the statements of Mr. Waters. Sulphate of copper, which Mr. Waters alleged to

be present in the three samples of whisky examined by him, was never found in any whisky examined by Mr. Watt. Neither vitriol nor the trace of any other mineral than lead, although stated to have been found by Mr. Waters in both whisky and rum, was found by Mr. Watt in the samples submitted to him. Two samples of brandy were considered to have been made up from colonial wine; and that most deleterious substance (not found by Mr. Waters) fusel oil, was ascertained by Mr. Watt to be present in at least six samples.

Tannin, burnt sugar, acetic acid, decoction of prunes, were found in greater or less proportion, but in no instance was tobacco or picrotoxia (*Cocculus Indicus*, or *Anamirta Cocculus*) found to be present in any of the thirty samples of spirits examined.

A second analytical investigation of Sydney liquors was undertaken about the same time, twelve samples of Colonial wine having been submitted to Mr. Watt by the Chief Inspector of Distilleries. The results of the analysis are shown in the third table (*see First Appendix*, C 1). In strength these samples varied from 36·61 for port to 23·87 for claret, and 23·76 for another port. This last was described as being more of a vinegar than a wine, and indeed it contained 1,393 grains of acid to the gallon. Four samples comprising three ports and one sherry were reported as inferior made-up liquids, but the rest were described as very good, or good sound, or fairly good wines, and no foreign colouring matter or noxious ingredient was detected in any of them.

A third examination of Sydney Liquors, represented by eleven samples of Colonial-brewed ales and porters, submitted by the Chief Inspector of Distilleries, was then made by the Government Analyst. The results are shown in the last table (*see First Appendix*, C 1). They may be concisely described as exceedingly satisfactory. In not a single case was any metallic substance detected—picrotoxia, nicotin, salt, or indeed any other noxious ingredient. All the samples examined are described as having been brewed from "mixtures of malt and artificial sugar such as glucose or saccharum," and as being fairly good beverages. In two samples small quantities of salicylic acid were discovered, added probably as preservatives.

We come now to the results of the last analyses of Colonial beer made by Mr. Hamlet. As the quantities previously submitted for examination were nearly always exhausted in

the search for the noxious ingredients mentioned in the Licensing Act, larger quantities were now procured. The six samples of beer operated on by Mr. Hamlet were obtained from the principal Sydney Breweries by Sub-Inspector Lenthall. The results communicated by the Analyst have, in one respect, corroborated the testimony of the purity of this liquor so far as purity is implied by the absence of narcotic, mineral, and other foreign ingredients injurious to health. But, in another aspect, the analysis has furnished results of a startling character. Mr. Hamlet in his report (*see First Appendix*, U) says that he examined these samples of beer for the purpose (among others) of ascertaining the nature and character of the alcohols they contained, and that, "with this object in view the alcoholic distillate has been submitted to the process known as fractional distillation, that is to say, the volatile alcohols have been more or less separated from each other in the order of their boiling points. In this way, isobutylic and amylic alcohols were detected. These compounds are present in the complex liquid called fousel or fusel oil (*) and give a character to the

* Extract from the Encyclopædia Britannica (edition now in course of publication). *Fusel oil.*

Fusel oil is the name applied to the volatile oily liquids, of a nauseous fiery taste and smell, which are obtained in the rectification of spirituous liquors made by the fermentation of grain, potatoes, the marc of grapes and other material, and which, as they are of higher boiling-point than ethylic alcohol, occur in largest quantity in the last portions of the distillate. Besides ethylic or ordinary alcohol, and amylic or pentylic alcohol, which are present in them all, there have been found in fusel oils several other bodies of the $C_n H_{2n+1} O H$ series, also certain others, and members of the $C_n H_{2n} O_2$ series of fatty acids. Normal propylic alcohol, $C_3 H_7 O H$, is contained in the fusel oil of the marc brandy of the south of France, and isoprimary butylic alcohol, $C H (C H_3)_2 . C H_2 . O H$, in that of beetroot molasses. The chief constituent of the fusel oil procured in the manufacture of alcohol from potatoes and grain, usually known as fusel oil and potato-spirit, is isoprimary amylic alcohol, or isobutylcarbinol $C H (C H_3)_2 . C H_2 . C H_2 O H$, boiling at 129°—130° C., and inactive as regards polarized light. Ordinary fusel oil yields besides another isomeric amylic alcohol, boiling at about 128°, and lævorotatory. The formation of amylic alcohol is stated by Liebig (*Familiar Letters on Chemistry*, p. 217, 4th ed., 1859), never to take place in fermenting fluids in the presence of tartar, of racemic, tartaric, or citric acid, or of certain bitter substances, as hops. It is produced principally in alkaline or neutral liquids, and in such as contain lactic or acetic acid. Schorlemmer (*Proc. Roy. Soc.* xv., 1866, p. 131) has shown that amyl compounds prepared from fusel oil and from American petroleum agree in specific gravity and boiling-point, and are therefore to be regarded as identical. Variable quantities of fusel oil, less or greater according to the stage of ripening, exists in commercial spirits. Administered in small amount, it exercises a poisonous action, causing thirst and headache, with furred tongue. (*Brit. and For. Med. Chir. Rev.*, xxviii., 1861, p. 101). In crude spirit made from potatoes, after its purification in the cold from noxious gases by means of charcoal, M. Rabuteau found 50 per cent. of ethylic, and 1·5 per cent. of isopropylic alcohol and traces of propylic, and of ordinary and a more complex amylic alcohol. He discovered that in $\frac{1}{50}$ aqueous solution ethylic alcohol was not injurious to frogs, isopropylic alcohol killed after some hours, and propylic alcohol in a single hour, whilst the vapours of a similar solution of amylic alcohol were instantaneously fatal to them, and even diluted to as much as 500 times its bulk that body exercised on them a poisonous influence. The widely different actions of common alcohol and of such compounds as the potato-oils in intoxicating drinks, he points out, render it necessary to distinguish between the excitable *ethylism* produced by the former, and the dull and heavy *amylism*, or more properly *polyalcoholism* of the latter. (See *Le Progrès Médical*, 1878, p. 979, Société de Biologie). To remove fusel oil from

beer different from that of malt liquors properly fermented at a low temperature (not above 70° Fahr.) Knowing the injurious properties of fusel oil, I am of opinion (adds Mr. Hamlet) that its effect when introduced into the blood is more or less that of a poison." †

spirits, a matter of prime importance to the distiller, a great number of methods have been resorted to. A practically pure spirit can be obtained by rectification several times after dilution with water, or by the use of specially constructed stills, as Coffey's (see Distillation, vol. VII, p.p. 265–6). Among the materials which have been employed for the complete defuselation of spirit are the powder of freshly-burnt charcoal, which acts best when the vapour of the liquid is passed through it, and charcoal with manganese peroxide, with slaked lime, and with soap-boilers' bye; also saturated solution of chloride of lime, alone or with zinc chloride; and calcium chloride, olive oil, soda, soap, and milk. The presence of fusel oil in spirit may be suspected when the addition of four parts of water causes milkiness. It is detected by its odour when the spirit is diluted with warm water, or when its ethylic alcohol has been allowed to evaporate. To remove the last-named body and water from fusel oil, calcium chloride has been employed. The estimation of the alcohols of fusel oil may be effected by Dupré's process, in which their corresponding acids are obtained by oxidizing with sulphuric acid and potassium dichromate, and eventually the quantity of barium in the barium salts of the purified acids is determined (see *Analyst*, March 31, 1871). Fusel oil is employed in the arts as a source of amylic alcohol.

† We are indebted to Mr. Hamlet for the subjoined description of fusel oil, as distinguished from other alcohols.

"ETHYLIC alcohol, alcohol or spirit of wine, is a clear colourless liquid, lighter than water, having an agreeable and far-pervading odour. It is composed entirely of hydrogen, oxygen, and carbon, and is quite inflammable. When taken in small quantities it appears to improve digestion, and is thus useful to persons of weak stomach. In large doses, however, even the absolutely pure substance acts as a powerful poison. It should be remembered that in science we know of the existence of a large number of alcohols, and that when most people speak of alcohol they always mean the familiar substance found in honestly-made wines, beers, and spirits; but in the complex liquid known as fusel oil there are several volatile alcohols, every one of which differs specifically from the liquid popularly called alcohol. Fortunately, the scientific chemist is able to identify any particular member of the alcohol family, and to determine its variety and leading characteristics. Fusel oil is a mixture containing alcohols of the $(C_n H_{2n+1})_2$ series, and is composed chiefly of isopentylic alcohol or amylic alcohol and isobutylic alcohol. Amylic alcohol is a clear, colourless, highly refractive liquid, having a burning taste and a strong penetrating odour. Inhalation of its vapour produces difficulty of breathing, coughing, headache, and giddiness. Some time ago an assistant and myself suffered acutely whilst engaged in purifying some fusel oil in the Government Laboratory. We both of us felt as though we had undergone violent physical exercise, such as running, and the sensation was by palpitation of the heart. When taken internally it exerts a powerful effect upon the lungs, heart, and brain. In a few minutes a giddiness is felt, which is followed by coma. The principal action, however, of amylic alcohol is its remarkable property of producing muscular twitchings and tremors, the tremulous motion being in all respects similar to what is frequently seen in those persons who suffer from *delirium tremens*. Its continued effect is followed by profound narcotism, reduction of temperature, and violent muscular tremors. Amylic alcohol has in many of my own experiments proved fatal to frogs and guinea pigs. The liquid having been injected in the usual manner, well-marked tremors are always observed, and are aggravated by merely touching the animal. These symptoms last for about four or five hours before death takes place. Enlenberg, however, records an experiment in which 40 drops of the substance administered to a full-sized kitten produced anæsthesia with recovery on the day following. From these and other recorded experiments there is no reasonable doubt that fusel oil is a poison capable of producing well-marked symptoms of giddiness and headache when taken in small quantities, and that its continued use will produce muscular tremors in the human subject; while in the case of an animal such as a guinea pig anæsthesia is followed by death.

WILLIAM M. HAMLET, F.C.S.,
Government Analyst.

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We have said that the results of these analyses were of a startling character, and the expression may require explanation. We were perfectly familiar with the fact that immature spirits so largely imported into this Colony contained fusel oil, but we were not prepared for the discovery of fusel oil in liquors which had not undergone the process of distillation, but only that of fermentation. It is probable that the condition of the brewing temperature in the fermentation of the beers examined by Mr. Hamlet may have had much to do with the development in that process of this poisonous form of alcohol (fusel oil). But whether high temperature be the true cause or not, we regard the fact that fusel oil is present in Colonial beers to be as serious in one aspect as it is suggestive in another; and although the percentage of fusel oil found in the beer is not perhaps more than a fifth or sixth of the percentage in cheap whisky or brandy, yet the result on the beer drinker, who probably consumes more than six times the weight of beer than the whisky or brandy drinker does of spirits, is about the same.

The witnesses who complained so strongly of the quality of Colonial beer, and of its effects on the system of those who drink it, as they had been accustomed to drink English beer, and who, in spite of the results of preceding analyses adhered to those opinions, are now fortified by this discovery of Mr. Hamlet's. There is fusel oil in the whisky* and brandy, and fusel oil in the beer so largely consumed by the classes who are dependent for their beverages on the public-houses. We cannot blame the keeper of the public-house for selling liquor which contains what "is more or less of a poison," for it is probable that he is innocent (at least as a rule) of any knowledge that the liquors which he sells contain that pernicious substance. We cannot blame the brewers or the spirit merchants, and for the same reason. Trade competition has compelled those engaged in the business of manufacture, or of wholesale or retail supply to the public, to manufacture, import, and sell a cheap article. The importers are obliged to furnish the retail trade with liquors which the retailers can afford to sell at popular prices. The brewers, for climatic reasons, are obliged to brew (practically) all the year round, and they cannot be condemned for brewing at higher temperatures than are obtainable in countries favoured by a colder climate.

* For an interesting account of the method of manufacturing spurious Irish whiskies see First Appendix Y.

But the public health is a matter of paramount concern; and the discovery of a poisonous substance in a popular beverage (developed during the very process of fermentation and not introduced afterwards for any fraudulent or improper purpose) is a fact which demands, we think, at the hands of the Legislature, the most serious consideration.

People have known for a long time that fusel oil was a very common bane in spirits; they are now informed that it exists in Colonial beer. Parliament might, therefore, be invited, we think, to deal with liquors containing fusel oil, and with persons who knowingly or recklessly vend such liquors, under a new light, and with a fuller knowledge than was available when the Adulteration Act of 1879 was passed.

But before making any recommendation for more stringent legislation it will be well to consider briefly how the law now stands.

The only enactments in force in this Colony which deal with the adulteration of liquors, or the sale of noxious liquors are the Adulteration of Food Act, passed in 1879, and the Licensing Act of 1882.

The first of these Acts (42 Vic., No. 14) makes it a misdemeanour punishable by imprisonment, with or without hard labour, for a term not exceeding six months.

(*a.*) For purposes of sale to knowingly mix or cause or permit to be mixed with any article of drink any ingredient, &c., or to colour any such article so as in any such case to render such article injurious to health:

(*b.*) Knowing that any such article was so mixed or coloured to sell the same:

(*c.*) To sell and deliver or cause or permit to be sold and delivered for immediate consumption by the buyer, intoxicating liquor containing fusel oil in a proportion injurious to health, with knowledge that the liquor was unfit for present consumption or injurious to health:

To every offence of knowingly selling or keeping or exposing for sale any liquor mixed with any deleterious ingredient, that is to say, Cocculus Indicus copperas, opium, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, salts of zinc or lead, alum, or any extract or compound of any of such ingredients, or any other ingredient injurious to health,* the Licensing Act (45 Vic., No. 14) attaches a

(*) See First Appendix (Z I) for a valuable report by Mr. Hamlet on the qualities of these adulterants.

penalty of not less than £10 nor more than £50 for the first offence, and for any subsequent offence a penalty not exceeding £100, or imprisonment not exceeding three months, with forfeiture of the adulterated liquor, &c., in all cases, and of the license on a repeated offence.

The same Act also declares that the holder of a license having in his possession or on his premises any adulterated liquor or any of the above named deleterious ingredients, for the possession of which he is unable to account satisfactorily, shall be deemed to have exposed adulterated liquor for sale, while an earlier section (19) of the Act empowers Inspectors to enter any licensed premises at any time during business hours, and demand and take any sample of liquors on the premises for the purpose of analysis.

This being the condition of the law as applicable to the sale, &c., of liquors containing a substance which we believe to be infinitely more injurious to health than any ingredient likely to be added by the most unscrupulous "doctorer" of liquor, it is manifest that the law affords no sufficient protection against "fusel oil." It is obvious that no conviction of the ordinary vendor of crude spirits or of beer containing fusel oil could be expected, for how could it be proved that the vendor knew that the liquor was unfit for present consumption or was injurious to health, or, to use the words of the Act "could with reasonable diligence have obtained that knowledge"?

We look upon the Adulteration of Food Act of 1879 as altogether insufficient to furnish a remedy for a mischief which has now grown into very serious dimensions. The Legislature, we venture to think, will have to take a new departure if the mischief is to be effectively dealt with.

What then should be the new remedy for a new condition of things?

We are fully conscious of the responsibility incurred by us in venturing to propose a scheme for the repression of this growing traffic in poison. We know that our proposals, if acted upon, would most seriously hamper trade, but we consider it to be our duty to propose such remedies as we think suited to the mischief without concerning ourselves overmuch with the effect they may have, for a time, in curtailing or interfering with the wholesale or retail traffic in drink, or in increasing the price of wholesome liquors.

There seems to us to be no effective remedy against the consumption of poisonous beverages but prohibition; we therefore recommend that no spirits imported into this

Colony and no home made spirits be allowed to pass into consumption if they are found to contain fusel oil; this would mean practically that all spirits would be arrested on their progress to the consumer's mouth at the bonded warehouse, and that a sample must be taken from each "package" before duty could be paid on it, unless sufficient evidence could be adduced by the importer, or the bonder, that the "packages" had been passed at the port of shipment as free from fusel oil, or were covered by a sufficient certificate of age from the manufacturer. But no previous analysis in bond, or certificate from the distiller, would be sufficient without an exemplary penalty on the vendor. Accordingly we propose that every person who sells spirits containing fusel oil shall incur a heavy penalty, and on the second offence shall forfeit his license, whether that be a spirit merchant's, wholesale, or a publican's or other retail, license.

We admit that these recommendations have a Draconic look about them, and that the first effect of a law which should attempt to give effect to them would be to raise the prices of wholesome spirits all round. But we think, on the other hand, that the ultimate consumer will be the better for any law which compels him to drink wholesome spirits (if he drinks spirits at all), even if he have to pay twice as much as he does now for poisonous or sophisticated spirits.

With respect to Colonial beer, we would recommend similar legislation, and for the same reasons. In the case of Colonial beer we believe that that most pernicious substance (amylic and its kindred alcohols), though present in very small quantities, is as widespread a bane as the fusel oil of the cheap whisky, and the sham brandy. We also believe that, under improved conditions, the brewing process can be carried on in this Colony as successfully as in any other country. If Colonial beer brewed at high temperature is pernicious, it must be brewed either at artificially lowered temperatures, as we are given to understand is done in many parts of the United States, or on the table-lands. In any case it is wrong to permit the annual consumption of millions of gallons of fusel oil beer.

DRUNKENNESS AS A NATIONAL EVIL.

In a very impressive and instructive article contributed by Cardinal Manning to the *Fortnightly Review* for September, 1886, that distinguished prelate asked this question:—"What is the dominant vice of the United Kingdom"? And he answered it by asking what one vice would supply an answer to each of thirteen given questions. Those questions, unfortunately, are pertinent to a similar inquiry for this Colony; and it seems to us that the answer which his Eminence found to be the only possible one for each of those questions,—viz., intemperance in intoxicating drink—must be the answer to a similar series of questions asked in New South Wales.

"It is no rhetoric, nor exaggeration, nor fanaticism" Cardinal Manning declares, "to affirm that intemperance in intoxicating drink is a vice that stands head and shoulders above all the vices by which we are afflicted; and that comparing the United Kingdom, not only with the wine-growing countries of the south, which are traditionally sober, but with the nations of the north, such as Germany and Scandinavia, which are historically hard drinkers, we are pre-eminent in this scandal and shame, and that intemperance in intoxicating drink may, in sad and sober truth, be called our national vice."

The test questions from which this terrible inference was drawn were these:—

1. Is there any vice in the United Kingdom that slays at least 60,000, or as others believe and affirm, 120,000 every year?
2. Or that lays the seeds of a whole harvest of diseases of the most fatal kind, and renders all other lighter diseases more acute, and perhaps even fatal in the end?
3. Or that causes at the least one-third of all the madness confined in our asylums?
4. Or that prompts directly or indirectly 75 per cent. of all crime?
5. Or that produces an unseen and secret world of all kinds of moral evil, and of personal degradation which no police court ever knows, and no human eye can ever reach?

6. Or that, in the midst of our immense and multiplying wealth produces not poverty, which is honorable, but pauperism which is a degradation to a civilized people ?
7. Or that ruins men of every class and condition of life, from the highest to the lowest, men of every degree of culture and of education, of every honorable profession, public officials, military and naval officers and men, railway and household servants, and what is worse than all, that ruins women of every class, from the most rude to the most refined ?
8. Or that, above all other evils, is the most potent cause of destruction to the domestic life of all classes ?
9. Or that has already wrecked, and is continually wrecking, the homes of our agricultural and factory workmen ?
10. Or that has already been found to paralyse the productiveness of our industries in comparison with other countries, especially the United States ?
11. Or, as we are officially informed, render our commercial seamen less trustworthy on board ship ?
12. Or that spreads these accumulating evils throughout the British Empire, and is blighting our fairest Colonies ?
13. Or that has destroyed, and is destroying, the indigenous races wheresoever the British Empire is in contact with them, so that from the hem of its garment there goes out, not the virtue of civilization and of Christianity, but of degradation and of death ?

Your Excellency's Commission in authorising us "to make a diligent and full inquiry into the causes of the excessive use of intoxicating drink by the people of this Colony and the deterioration it has produced in public morality" has laid upon us the obligation of taking a large body of evidence, much of which might be fairly enough regarded as constituting the reply of our own people to Cardinal Manning's questions. For example : The Inspector-General of Police (203), referring to his Report for 1885, says that "it seemed to him an awful thing that 232 cases in one year should occur in which people have met with violent deaths owing to intemperance." It struck him (204) as a grievously large number. Inspector Camphin, speaking from an experience of the Colony extending for about thirty

years, declares that the intemperate use of liquor is a primary cause of much of our crime, especially crimes of violence; that robbery from the person in houses of ill-fame is generally traceable to drink; that in many cases the young men who commit outrages on females are incited to the commission of those crimes by drink; that drink incites the larrikin to assault Chinamen; and, in short, that three-fourths of our crime is directly attributable to drink. Sir Alfred Stephen (2213), speaking from a judicial experience of crime in this Colony reaching thirty years, and in Tasmania twelve years, gives it as his deliberate opinion, the result of that experience, "that a very large, a preponderating, proportion of crime was directly and indirectly the result of intoxication—in the cases of small crimes, very frequently; but in those of the greater crimes, particularly crimes of violence, almost universally. It is not merely that crime is caused directly by drink, but that it is the cause where the perpetrator has nothing to do with drink, except as the man who takes advantage of it. Drink is frequently the occasion of the crime in this way: that the person robbed or injured is himself drunk, and so affords the opportunity and the temptation to the commission of the crime. Robberies occasionally take place in the parks. For instance: a person is robbed whilst lying drunk; people in that condition are of course an easy prey to the thief. I cannot state one single transaction or state of things existing in the Colony in which there is anything wrong—anything blamable, anything criminal—that takes place, but drink has something to do with it. Cases of indecent exposure of the person, cases of attempted rape, and other offences, are the direct result of drink. Then, as to wife-beating and the various miseries that result from unhappiness in married life: I believe that almost every case of the many—not scores but hundreds—that exist in this town are invariably the result of drink; and in this particular class of cases the horrible results are such as to shock anyone. Not one week of my life elapses but I have some unhappy woman or some unhappy children coming to me with a tale of misery; and I say deliberately, and without any exaggeration, that not a week passes that some tale of distress is not told me—some account of unhappiness, and misery, and privation—the result of drunkenness on the part of a husband, sometimes on the part of the wife, but much more generally on the part of the husband." The drunkenness here referred to was, in the witness's opinion (2214) "almost in every case the result

of drinking at public-houses; certainly 95 per cent. of it." The same witness (2219) "believed that drunkenness is very much on the increase. "I believe," said he, "that drunkenness among young men especially is on the increase from private drinking, and especially that the practice of drinking to excess springs from the habit of what is called 'nobblerizing,' and the habit of drinking at irregular intervals. If five or six persons go into a public-house, each of whom requires one drink, No. 1 will treat the other five, and afterwards each of the other five will treat all the rest, so that each man drinks six glasses instead of one glass."

We have no desire to paint a sensational picture of the evils which in this Colony result from an intemperate indulgence in drink. These evils can hardly be exaggerated, but on the other hand it would be manifestly unfair to the Colony to deny that there is a tendency to exaggerate the percentage of crimes directly caused by drink. Although the law may hold that drunkenness is no excuse for crime, it cannot be doubted that among the masses it is believed that crimes committed under the influence of drink are less heinous than those perpetrated by persons in a condition of sobriety. It is common enough to hear, by way of palliation of a misdeed, that it was committed by a man in a condition of intoxication; and it is reasonable to suppose that many of those who live criminal lives have a tendency to attribute their downfall to drink rather than to moral depravity. The stories told by them to prison chaplains and to others under whose observation they more immediately fall are liable to be thus coloured and distorted. And the evidence of Canon Rich and the Rev. J. D. Langley suggests that a very large number of prisoners are in the habit of regarding drink as an excuse for their crimes. But when every deduction has been made on this account it cannot be doubted that a very large proportion of crime is due either directly or indirectly to drink, and very few of the witnesses examined by us are disposed to place the percentage caused in this way at a lower figure than 75, for it must be remembered that where crime is committed by persons not in a state of intoxication, the inducing cause is most commonly traceable to habits of intemperance. Persons who acquire habits of intemperate indulgence are often deprived of the power of making a living by legitimate methods, and, in order to obtain the means of satisfying their craving, they have recourse to dishonest practices which eventually lead to a life of confirmed criminality.

It will be seen that, from an experience of two years as chaplain of Berrima Gaol, the Rev. J. D. Langley is disposed to believe that 90 per cent. of crimes are due directly or indirectly to drink. Canon Rich states that in his opinion this percentage is too high, but he considers that the proportion is nevertheless very large. The Governor of Darlinghurst Gaol, however, holds that the average of cases in that gaol due to drink is not less than 92 or 93 per cent.; and his information has been derived by examination of some of the long-sentence prisoners, by consulting officers of the gaol who speak from their personal knowledge of the prisoners, and from what the prisoners' relatives say when they visit the gaol; but perhaps one of the most striking illustrations of the concurrence of drunkenness with criminal habits is to be found in a table which was prepared for Dr. Maurice O'Connor, the visiting surgeon of Darlinghurst Gaol (minutes of evidence, page 158). Taking the totals for six and a half years we there find that out of 34,266 prisoners not less than 5,686 were actually under medical treatment from diseases caused by drink. It is submitted that if one sixth of the whole number were in such a condition as to require medical treatment, it may legitimately be inferred that among the rest the proportion of those who have been in the habit of exceeding, but not to the point of producing actual disease, must be very large indeed.

It is hardly necessary, however, to recapitulate the evidence, for among the witnesses who have been examined there is hardly any dissent from the proposition, that not less than three-fourths (and in the opinion of the majority a far larger proportion) of existing crime is due to excessive habits of drinking. And in considering the conditions of this Colony we might naturally expect that an apparently larger percentage of crime due to this source would be found in a vigorous young Colony than in Great Britain. For it must be remembered that many of the temptations to crime which exist in England, arising from unavoidable misfortune and want, are hardly known in a country where any able-bodied man is able to make a living if he will work for it. We fear, therefore, that there are no special circumstances to mitigate our estimate of the crime attributable to drunkenness, and that we must conclude that the effect of it in producing crime is not less in New South Wales than it is stated to be in England by Cardinal Manning.

It remains for us to point out that the class of crimes arising from drink is a very large one, and includes most of

the offences with which courts of justice are commonly called upon to deal. Small assaults and petty larcenies are nearly as much attributed to drink as more serious crimes, while it is admitted that a large proportion of malicious injuries, manslaughter, murder, and rape—particularly of the latter—are committed under the direct influence of drink. In the case of the minor crimes, such as theft and robbery, it is probable that the temptation is very frequently to be found in the desire to obtain means for satisfying the appetite for alcohol; but the more serious crimes have often been committed by persons not included in what are commonly called the criminal classes as well as by those who are generally regarded as belonging to them. In this connection crimes of violence deserve especial mention, and, in particular, rape and indecent assaults upon women, while, in one case quoted by Canon Rich, a man apparently respectable and well-educated incurred a sentence of two years' imprisonment for a robbery which appeared to be the result of a drunken spree. It may be added that persons who drink to excess are not only actively, but also passively, instrumental in causing crime, and that a large number of robberies from the person are committed upon intoxicated people. It is not, of course, contended that these persons can be regarded as responsible for the crimes of which they are the objects, but it is evident that they provide a temptation to crime which it may be worth while for the State to take into consideration.

A class must be noticed which appears to be increasingly given to drinking habits, and which presents much difficulty. From the evidence generally it may be gathered that the drinking habits of the larrikin class are becoming far greater than they used to be; and it is to be feared that those who belong to it are most of all liable to commit crimes when in an intoxicated condition. Their case seems, too often, to be little short of hopeless, and their vicious habits to be so confirmed as to leave little hope of reformation. They are almost all of them natives of the Colony, but the class seems to be confined almost wholly to Sydney. The existence of it, however, points to another evil which is consequent upon the prevalence of drinking habits in this Colony. We allude to the condition of the children of intemperate persons. It is obvious that these, brought up not only without any supervision by their parents but with a bad example always before them, can have very little chance of growing up to be respectable citizens. Moreover, there can be no doubt that

the largest part of the poverty and squalor which exist in certain parts of Sydney are directly traceable to the squandering of money upon drink or the effect of drink in depriving those who give way to it of the power of keeping their situations or of obtaining fresh employment. The children of parents who have reduced themselves to these conditions are often compelled to shift for themselves as best they can, and to associate with the worst kind of companions. It is probable that the training of many of the worst sort of larrikins has been of this kind, and that drunken parents are the natural cause of drunken and criminal children. It is not pretended that the whole of the dangerous larrikin class is bred under these conditions. The origin of that class is of course foreign to this inquiry; but it is so far pertinent in that it cannot be doubted that some of the worst members of it are recruited from among the children of drunken parents.

The burden which is thus cast upon the tax-paying public from this source must not be ignored; for it is an obvious justification of legislation that, in addition to promoting the moral welfare, it is calculated to reduce the weight of taxation which falls upon the people. In this regard the evidence of Mr. Vale, secretary to the "Victorian Alliance for the Suppression of the Liquor Traffic," is worthy of attention. Mr. Vale says—"In regard to the effect of drink in producing poverty, I may say that the Superintendent of our Immigrants' Home has stated that nearly all the cases which were before him are cases of poverty originating in intemperance. Mr. Guillaume, the Superintendent of the Industrial and Reformatory Schools Department, has stated that at least 90 per cent. of the children left to the charge of the State are the children of intemperate parents. In fact, 90 per cent. seems to be the favourite calculation. Roughly speaking, it means nearly all." It is thus obvious that the expenditure of the State upon the children of drunken parents must be very considerable; and, if the testimony quoted may be relied upon, it could be reduced within very narrow limits if anything could be done to materially diminish intoxication.

As is only too well known, the evil of drunkenness is not confined to men, but the evidence taken by the Commission to ascertain whether female intemperance was increasing or diminishing is far from satisfactory. Some witnesses thought they observed a decided increase, while others considered that there is no more intemperance among women, according

to population, than there was before the Licensing Act was passed, but that the amount might be put down as stationary.

We are indebted to the Government Statistician for the following table, which, as will be seen, covers the decennial period 1876–1886, and from which it will be manifest that the percentage of arrests of males and females to the total population of the Colony has varied only to the extent of a small fraction between the first and last year of that period. It was 2·67 in 1876, and is 2·69 in 1886; but the percentage of arrests of women was, in 1876, 1·31 of the total female population, while in 1886 it fell to 1·01. The 4,431 arrests of women for drunkenness and drunken offences in 1886, representing as it does nearly one-sixth of the whole number of arrests for that year for those causes, and although a large number of those arrests stand for the same individuals, female drunkards being arrested much oftener than males, discloses nevertheless a terribly widespread evil, and the state of domestic misery, squalor, and degradation which these figures mean can hardly be exaggerated. They tell their own story, and no one can mistake their meaning:—

Arrests of women for drunkenness during the decennial period 1876–1886.

Year.	Total arrests.	Males.	Females.	Percentage of total arrests to whole population.	Percentage of males arrested to total male population.	Percentage of females arrested to total female population.
1876	16,171	12,546	3,625	2·67	3·82	1·31
1877	16,696	12,726	3,970	2·65	3·72	1·38
1878	17,224	13,166	4,108	2·61	3·67	1·37
1879	17,715	13,574	4,141	2·56	3·61	1·31
1880	18,777	14,801	3,976	2·58	3·72	1·21
1881	22,560	18,200	4,360	2·96	4·36	1·26
1882	21,393	17,574	3,819	2·69	4·03	1·06
1883	23,178	19,244	3,934	2·77	4·21	1·04
1884	24,438	20,261	4,177	2·77	4·19	1·04
1885	26,291	21,944	4,347	2·82	4·29	1·03
1886	26,310	21,879	4,431	2·69	4·06	1·01

It is perhaps hardly necessary to go through the questions suggested by Cardinal Manning in detail. Unfortunately, the consequences of drink which are stated in them will be found from statements scattered all through the evidence to be as prevalent in this country, and more particularly in the metropolis, as they are in Great Britain. It cannot be contested that excessive drinking carries with vice and

immorality domestic discord, misery, want, and crime. A class of cases which have formed the subject of judicial comment is constantly being exhibited in our Divorce Court, where drink has been the direct agent in the breaking-up of homes. They will be referred to when we come to deal with the relative merits of the gaol and reformatory treatment of confirmed drunkards. The present observations may be concluded by a few remarks upon the evidence which has been brought before the Commission with regard to drink as a cause of lunacy.

There can be no doubt that in a large number of cases lunacy has been due to habits of excessive drinking; but a full consideration of the evidence adduced leads to the belief that the popular estimate of drink as a factor in lunacy is far higher than the facts would warrant. The majority of witnesses appear to be inclined to hold that lunacy arising from this cause does not amount to a greater proportion at most than 15 per cent. of the cases which have come before them in lunatic asylums, and even this figure is not reached except after allowance and correction by some of the most important witnesses. Thus we have Dr. Manning, to whose evidence we are disposed to attribute great weight, telling us that the figures given in a return prepared on the 15th May, 1884, by an order of the Legislative Assembly, represent about the proportion of inmates who are permanently in the asylums though they do not by any means present a fair proportion of the cases admitted which are due to drink. The figures given are 137 patients out of 2,450 or 5½ per cent. Sir Alfred Stephen, it may be remarked, regards this proportion as very striking. Dr. Manning further states that the admissions during ten years from the 1st January, 1869, to the 31st December, 1878, which were due to drink amounted to upwards of 8 per cent., and for the next five years—1880–1884—to 11 per cent. Quoting Dr. Herbert Major, Medical Superintendent of the largest asylum in Yorkshire, he tells us that the average amounts to 13 or 14 per cent. Dr. Manning admits, however, that a very large proportion of temporary insanity is due to drink, but this form of insanity is curable by abstinence and a proper diet. A very large number of cases are stopped in the Reception House. "During 1885 there were 362 cases remanded from the Police Court—211 recovered in the Reception House, 140 were sent to the Asylum, 4 died, and 7 remained at the end of the year. Of the 211 who recovered in the Reception House, I am quite sure that three-fourths were due to drink. In the up-country gaols

in the same year 413 were received under remand for medical treatment because they had shown to the police signs of temporary insanity—125 were sent to hospitals; 242 were discharged as sane in due course, and I have every reason to think that fully three-fourths of these latter cases were due to drink;" but of these it must be borne in mind that a large number were repeating instances in both cases. The general conclusion to be derived from the evidence of this witness would appear to be that the excessive use of alcohol has the effect, if continued, of altering the tissue of the brain, but that it more readily affects the tissues of the liver and kidneys; and, taking other testimony into account, it would seem that in healthy subjects death is more likely to result than insanity. The figures, however, obtained in this Colony do not accurately indicate the percentage of lunacy, because admission to our asylums is less easy than in England, and, making due allowance on this account, and taking into consideration the general experience derived from observations upon the excessive use of alcohol, we may fairly conclude that drunkenness is responsible for something like 11 or 12 per cent. of the cases of lunacy admitted to our asylums.

The opinions of other medical witnesses do not differ greatly from that expressed by Dr. Manning. We must, however, except those of Mr. Fowler, Superintendent of the Reception House for the Insane, at Darlinghurst, and Dr. Tucker. Mr. Fowler says, speaking from an experience of twenty-four years, that three cases of insanity out of five are due to excessive drinking. He speaks only of those who pass through his hands, but is of opinion that many cases of *delirium tremens* end in confirmed lunacy; and Dr. Tucker tells us that after visiting between 500 and 600 asylums in other parts of the world, and being supplied by their Superintendents with returns showing the causes or supposed causes of insanity, he would say, speaking from memory, that at least 80 per cent. of these institutions return the largest number of cases as having been produced by drink. In one of his answers (5027) he says—"My opinion coincides with that of Dr. Wilkins of San Francisco, who, fourteen or fifteen years ago was employed by his Government to visit lunatic asylums. In his work he says that one-half of the insanity, and probably more, is caused by intemperance." (*See also First Appendix*, L.)

On the other hand, Dr. Maclaurin and Dr. Mackellar do not consider that any considerable number of permanent

cases of lunacy are attributable to drink. Dr. Maclaurin seems to consider that the tendency to drink on the part of persons who subsequently become lunatics is a phase of the complaint, and Dr. Mackellar remarks (4748) "I do not regard drunkenness as by any means a potent cause of lunacy; but I think that large numbers of people become drunkards at the onset of insanity—that is to say, drunkenness is one of the very early symptoms of insanity, precisely as other excesses are frequently early symptoms observed before the question of insanity arises. I am perfectly convinced (4749) that the commonly accepted idea that drunkenness is a cause of insanity is quite falacious—that is, the idea that it is a potent cause of insanity." It must be obvious that if a tendency to drunkenness is to be regarded as an early symptom of insanity the figures given by Mr. Fowler and Dr. Tucker may require considerable correction; but, allowing for this, we conclude, as stated, that the evidence given upon the question, points to a proportion of lunacy due to drink that approaches 12 per cent. It may be gathered generally that this proportion would be materially reduced by an improvement in the quality of the liquor which is generally supplied; but even after such a reduction the figures must suggest the existence of an evil arising from excessive drinking which is deserving of serious consideration if only because it is only one of several to which allusion has been made. In concluding our remarks upon this part of the subject we would add that there is another aspect of excessive drinking which is of the gravest kind. Statistics perhaps can hardly be collected to show the effect of drunkenness in reducing the average term of life. It may not be possible to discover how many lives have been shortened, or by how many years, through excessive indulgence in alcohol; but the whole of the medical evidence points to a deterioration in vital organs from this cause, and there can be no doubt that a large proportion of the population die prematurely from excessive drinking, not immediately only, but in consequence of constitutions deteriorated and debilitated by drink. Though this consideration must be of less importance than that of the effect of drink in producing widespread misery and degradation among the living, it must be taken into serious account as indicating a loss to the country which we trust may not be wholly unavoidable; and, apart from the value of individual lives thus shortened or destroyed, there is the direct burden upon the country of supporting the surviving dependents.

REPRESSIVE MEASURES: (1) PENAL—(2) REMEDIAL—(3) RESTRICTIVE.

The methods which have been adopted to check the evil of drunkenness may be divided, roughly, into two kinds. We propose to consider them in their chronological order as adopted among English speaking people. The first plan devised was to treat drunkenness as a crime and to punish the drunkard as a criminal. The second method has been to restrict, as far as has been hitherto possible, the temptations to drink and the facilities for obtaining liquor at all times and in all places. In some countries restriction has been carried to the point of actual prohibition. In the one case it has been sought to deter the drunkard from over-indulgence by punishing drunkenness by fine or imprisonment, and by treating it as a crime in any person to be drunk in a public place even though his drunkenness should not be associated with any other wrong-doing. In the other, persons engaging in the business of selling liquor have been compelled by the law to obtain licenses for that purpose, and to conform to certain regulations as to the days and hours during which the sale of liquor may be carried on; and the law has made it discretionary with particular persons or bodies to refuse licenses if in their judgment it would be against the public interest to grant them; the number of houses at which liquor may be sold has been limited; and in certain cases an absolute or limited veto has been placed in the hands of the ratepayers or residents of determinate areas. These endeavours on the part of the Legislature to limit the traffic in liquor will be further dealt with when we come to discuss the question of Local Option. At present we shall briefly consider the first or punitive method of repression.

The system of repression by direct punishment of the drunkard has been tried since the year 1604;* but the regulation of the traffic in drink dates from a much earlier time; and it is perhaps not too much to say that all efforts of the law to check drunkenness by treating it as a crime have ended in complete failure. We have examined a large number of witnesses as to the effects of gaol treatment in this Colony, and cannot find that in a single instance any witness has spoken favourably of it. The plan at present

* It is a curious fact that the monarch to whom we owe the first penal Act against drunkenness was himself what would now be called an "habitual drunkard," and that his Court was much frequented by courtiers of both sexes having the same predilections as the King.

followed is to inflict a fine for drunkenness, and in default of payment to send the drunkard to prison for such a period, within prescribed limits, as the discretion of the magistrate may suggest. "The drunkards," says Sir Alfred Stephen, "come up to the police-courts in batches, and are sent away as a matter of course. I think that the system of fining for drunkenness, as I have seen it myself in practice at police-offices here, more than once, is simply a farce: A man is found beastly drunk by a constable; next morning he is fined so much, or in default so many hours, or so many days; I do not know whether he pays the fine or not; it is folly!" The evidence of the stipendiary magistrates, of Mr. Maclean, Comptroller-General of Prisons, of Mr. Read, Governor of Darlinghurst Gaol, of the medical and clerical witnesses, and of representatives of the working classes, is all to the same effect. They unanimously condemn the present system of short terms of imprisonment. Their testimony may be summed up in the words of Mr. Addison, S.M.: "It is one ceaseless round of punishment; it is simply filling the gaols every week without the slightest amelioration." Mr. Read says, "The gaol is simply a hospital for them [drunkards]—a means of prolonging their lives * * * * * * * The gaol is like a club for them; they are brought out of the Domain, or perhaps from lying in the gutter. In the course of the day or two which they spend in gaol they are cured and cleansed; otherwise they would not live long. I have had one woman committed between 200 and 300 times for drunkenness." It may be replied to statements of this kind that prisons are made too comfortable for drunkards, and that they ought to be compelled to work; but it must be remembered that, under our present system of short terms of imprisonment, a man who has been indulging in drink to such excess as to bring himself under the notice of the police is frequently not in a condition to perform any labour. This will be more evident from a reference to the return prepared by Mr. Read (3550), by which it appears that out of 5,869 convictions only five persons were sentenced to terms of imprisonment exceeding seven days. The evidence shows that the only effect of the present system of gaol treatment is to produce a recovery from the condition of prostration brought about by excesses, and that from the moment of, or very shortly after, his discharge, the drunkard has no other intention than to return to his vicious habits. As soon as he is again in a position to earn a little money, that money is spent upon drink, and with the drink comes

a return of that condition which brings him again before the magistrate. He goes back to gaol and comes out only to get drunk again. The opinions and experience of more than forty witnesses may be said to support this view directly or indirectly, and we cannot express too strongly our opinion that gaol treatment, in its present form, is utterly powerless —either as a remedy or as a deterrent. As a deterrent it has been shown to be wholly useless in appealing to a floating population of perhaps more than 3,000 habitual drunkards in the metropolitan district alone, for these do not belong to the class which is influenced by one of the most dreaded consequences of imprisonment. They are lost to all sense of shame, and have sunk so low that they regard a few days spent in gaol as a convenient means of recovering from a fit of drunkenness rather than as a punishment for indulging in it.

It need hardly be said that we regard this state of things with the gravest misgivings, and are driven to the conclusion that some material change in the law ought to be made without any delay. It is not probable that any alteration of existing methods in the direction of severer punishments would be sufficient to meet the case. What is wanted is a detention which should be sufficiently prolonged to enable those for whom reform is still possible to break completely away from their habits of continual excess; and it is not believed that this result could be secured by committing habitual drunkards to ordinary gaols for long periods. There are several considerations which lead us to think that such a course would have very unfortunate results. In the first place, it does not seem right that persons imprisoned for drunkenness should be imprisoned in places where they would be liable to consort with ordinary criminals. Putting aside the fact that crime is to some extent contagious, the surroundings in the ordinary gaol are not of the kind which would cultivate that spirit of self-restraint to which alone we can look to effect a permanent cure. Moreover, it may be doubted whether, in classing the drunkard with those who have been found guilty of actual crime, we are not putting him in a position which must render reform exceptionally difficult. Whatever may be the moral guilt of drunkenness, we know that it is not regarded by the public at large as implying the same disgrace as larceny or embezzlement; and in casting an equal stigma of imprisonment upon the drunkard, we should be throwing difficulties in the way of his leading a better life after liberation. Some proportion

also must be observed between different degrees of turpitude; and if persons guilty of drunkenness are to receive the same punishment as those convicted of crimes, it is difficult to see how we can mark the distinction which undoubtedly exists between the drunkard and the criminal. And if a man should, for a particular offence, be sentenced to two or three months in gaol, how shall we deal with him upon a repetition of the offence? Gaols do not reform drunkards, because the necessary machinery does not exist in them for treating drunkards with a view to reformation; and gaol treatment can never be an adequate deterrent, because the punishment of imprisonment cannot, without violating our sense of justice, be allotted for repeated acts of drunkenness on the same principle as in the case of ordinary offences.

And here it may be asked whether we are well advised in regarding drunkenness as a crime at all. Sir Alfred Stephen says—"Either it is a crime or not. If punishable it is punishable because of the dangers to which the State is exposed by drunkenness; otherwise why should I not get drunk if my character was not anything to me?—but drunkenness is a crime in my opinion because of its inevitable tendency to wickedness." But many things have similar tendencies, and are not treated as being therefore criminal. All excess has a greater or less tendency to result in wickedness, but excess in drink is the only one which the law punishes. However, we do not desire to discuss the abstract principle. We would rather have regard to the practical aspect of the matter and ask whether the present unfortunate conditions are not to some extent due to a mistaken view taken at the outset. Our laws have started with the assumption that drunkenness is a crime, and have treated it accordingly; and now, after many years of experience, we find that our efforts at repression have failed in the most disastrous manner. We have not succeeded in producing any amelioration in the habits of the habitual drunkard, and our gaol treatment, though it has admittedly been instrumental in prolonging the drunkard's life, has yet done nothing to help or to induce him to reform. Another method now remains to be tried. We may cease to regard the habitual drunkard as a mere criminal to be punished by fine and imprisonment, and inquire whether something may not be accomplished by treating him as one who suffers from a disease which is, to some extent, analogous to temporary or intermittent derangement of mind.

We have been driven to the conclusion that the gaol treatment of drunkards has ended in conspicuous failure, and that

any amelioration of present conditions is only to be attained by the adoption of a radically different method. The opinions of a great many witnesses have been sought upon the probable efficacy of reformatory institutions, and it may be said that there is an unanimous expression of opinion favourable to them. The method we propose is that persons convicted of habitual intoxication should be separated from those undergoing sentence for crimes, and that they should be sent to asylums or reformatories specially designed for the treatment of inebriates. The case of those found guilty of crimes in connection with drunkenness must of course receive special consideration; but it does not appear to present any grave difficulty. We proceed, however, to deal first with those whose case is one of habitual drunkenness only. From the evidence before us we are led to believe that the chief requisite for these persons is a prolonged seclusion in an institution specially adapted to meet their case. Dr. Manning says (4057) "More good, however, could be done for these people in inebriate asylums, because they could be detained a longer time. It is necessary to talk to and advise them; to feed them in the manner I have suggested, and to restore their health; and they come out after a residence of one, two, or three months, certainly more fitted to face the world. But in the reception-house or the gaol, where they are treated only for a matter of a fortnight or ten days at the longest, there is no good done, except temporarily and by saving life and reason." The opinions of other experts also appear to be in harmony with the view of Dr. Manning. We would therefore recommend the establishment of "Inebriate Asylums" wholly distinct from those designed for ordinary lunatics, and that habitual drunkards should no longer be sent to the ordinary gaols. Power should be given to magistrates to commit such drunkards to these institutions for periods varying from (say) three months up to eighteen months, or two years, according to the number of previous convictions recorded against them or the gravity of the case in other respects. These asylums should be made as far as possible self-supporting, and the labour of the inmates should be utilised for that purpose. The evidence before us goes to show that the labour of persons who would be unable to work at first would, in most cases, be available after a short period of treatment. Dr. Manning, speaking of a case of this kind, says, "After a week or about ten days he would recover his health, so that during the remainder of his stay—which in my opinion should not be a short one—he would be

employed to a great extent in earning his own living, and reducing the expense of the institution. I think as a rule, it would be very unwise to commit people for a shorter period than three months. I should very much prefer six months to deal with these cases, and during five months of that period a large majority would be able to work." (1058) "You think that the State might go so far as to punish the habitual drunkard by committing him to six months seclusion? Decidedly. Because, in addition to punishing him, you are improving his health, and giving him a chance to do well in the world. The sentence which deprives him of his liberty is also doing him a great good by giving him a chance of reformation, and putting him in a condition of health to enable him to do so." A reference to the evidence on the subject of Gaol Treatment will show that the witnesses have in every instance expressed opinions which agree substantially with those of Dr. Manning. Some of them, it is true, observe that it is necessary that we should not be too sanguine about the results of the course recommended; but all concur in the belief that marked good would result from the establishment of institutions based upon the lines indicated, and if, as remarked by one witness, only one-third of the cases treated were reclaimed, the resulting advantage would not only be very great, but a marked diminution would be effected in the general cost of the system. Repeating our recommendation then, we think that two or more stipendiary magistrates in the metropolitan district, and two magistrates in the country districts, one being a police magistrate, should be empowered to commit habitual drunkards to inebriate asylums, for such periods of not less than three months, or more than two years, as they might think advisable; that it should be competent to the inebriate or his friends to apply at intervals of not less than three months for release; and that if upon a consideration of, and due inquiry into, the case, the Superintendent and two duly qualified medical men should be of opinion that he had become permanently reformed, the inebriate should be released with or without conditions. But we are strongly of opinion that the system should be extended to meet cases other than those which come before the Police Courts in the ordinary way. There is a large class of persons whose habits of intoxication are a misery to themselves and their relations and friends, but whose excesses do not bring them—except in the last stage of their career—before the public. Many of these bring degradation upon themselves and their families from an

insane and irresistible craving for drink. Many cases which come before the Divorce Courts are of this kind. Men who have acquired the habit of drink break away from their homes and leave their wives and families to support themselves or to sink into destitution; and too often, if the deserted wife is successful in supporting herself, the husband returns only to force her to purchase a period of quiet by the sacrifice of her savings. Very often these people are merely drunkards, but drunkards who could be reclaimed were it possible to place them under restraint. Under existing conditions, however, there is no resource but the Divorce Court, or an application perhaps under the Deserted Wives Act, and, in neither case, does the remedy touch the true seat of the mischief. There are also large numbers of persons whose friends are obliged to contemplate helplessly their downward course. They are quite unable to resist their craving for drink, but are kept from falling into the hands of the police, and yet nothing can be done to reform or restrain them.

It has been remarked that a vast amount of poverty is due to drink; and that the largest proportion of crime is committed under its influence. We believe that much of the evil so arising would be preventible if proper means were taken to enable the friends of habitual drunkards, or the victims themselves, to procure or submit to proper restraint. It is, indeed, probable that many of the latter would voluntarily submit to seclusion for a fixed period with a view to treatment; and this system, which has been tried in England and in America, has been found to yield satisfactory results. We, however, desire to go much farther, and would recommend that habitual drunkards, on proper proof being given of their condition, should be committed to inebriate asylums on the application of their friends, in a manner similar to that which now obtains in the case of lunatics. In answer to the question whether he would approve of such a system, Dr. Maclaurin says—"I have always looked on that as a thing which is absolutely necessary for the protection of these people. Take the case of a man or woman, the father or mother of a family, who for some reason or other gives way altogether and becomes a grovelling drunkard; we know in many cases it has come on acutely, and we know that in all likelihood, if he or she were put under restraint, a very great improvement and possibly permanent cure might result; as the law now exists it is quite impossible to do it; you have no means whatever of doing it, unless you chose to

swear that such a person is insane. I think such an institution would be exceedingly beneficial, and in fact should be established without any delay."

The class last-mentioned has been noticed before that class who combine crime, more or less serious, with a state of intoxication; and it is evident that if the system which we recommend be introduced, there will be different classes of persons for whom different provision would have to be made. For the last-mentioned class, indeed, it would seem that some special kind of reformatory would have to be provided unless it be considered sufficient for the present that a term of imprisonment should be inflicted for the criminal act, and a period of treatment in an asylum be ordered for the purpose of dealing with that condition of drunkenness with which the crime was combined. It may be questioned whether a practice of treating persons guilty of crime under the influence of drink as lunatics might not give rise to the idea that in the contemplation of the law the drunkard is not responsible for his actions. It is therefore obviously desirable to distinguish simple drunkenness however habitual from drunkenness associated with crime, in such a way as to indicate that, in endeavouring to cure the drunkard, the State has no intention of departing from the principle that drunkenness is not an excuse for crime. The danger attending departure from that principle is too obvious to require illustration. We do not, therefore, recommend that drunkards who may associate criminal acts with intoxication should be in any way relieved of any liability under the present law; but that there should be superadded to such liability (particularly in the case of persons committing offences punishable by short terms of imprisonment) a period to be undergone in the reformatory asylum. It is further suggested that it should be discretionary with the magistrates to say whether the imprisonment should precede or follow the period of treatment, the decision to depend upon the condition of the offender in each case.

It will now become evident that at least two kinds of asylum will be necessary if the system recommended is to be carried out. It is hardly likely that persons addicted to drink will voluntarily submit themselves to confinement, or that their friends, in the majority of cases, will take action to place them under restraint, if the institution to which they are to be consigned is to be common to voluntary cases and to persons confined by order of the magistrates, and some of whom have been found guilty of crimes. Neither

are existing lunatic asylums adapted for the treatment of the former class, the evidence of witnesses pointing to the conclusion that it is almost as inexpedient that inebriates should mix with lunatics as with criminals. Among the classes, moreover, who would be placed in confinement by their own consent or the desire of their friends, there would be a considerable percentage who would be in a position to pay for their own cost and for extra comfort. These persons, therefore (who may be described as voluntary patients, to distinguish them from the class committed by the magistrates), would be placed in two divisions—those, namely, who would pay for their own cost, and those who would be maintained at the cost of the State, and the labour of the latter might be utilised to reduce the expense of their maintenance as far as possible. We, therefore, recommend the establishment of an institution, based somewhat on the lines of existing asylums, for the treatment of these voluntary patients, to which admission should be obtained upon the consent of the inebriate, or at the desire of his immediate relatives, upon sufficient medical certificates, with the provision for release before mentioned.

The other, or quasi-criminal class, would probably be best dealt with according to the method described by Mr. Read (see answers to questions, 3474–3487), namely, a mixed penitentiary and inebriate asylum. Mr. Read recommends that after twelve, fifteen, or twenty convictions for drunkenness within a year, the offender should go to a penitentiary under sentence of perhaps eighteen months, with a provision that the Government should, upon the recommendation of the authorities, pass him over to the inebriate asylum. "I would," he says, "make the position at the inebriate asylum something that a man or woman would try to work into from the other place; although they would both be costly places, the general effect upon the community would be a monetary advantage," and he thinks that both places combined would have a deterrent effect. We are not prepared to go with Mr. Read so far as to require twelve, fifteen, or twenty convictions before sentencing habitual offenders to a term in the establishment described. We think that, as previously stated, a far less number of convictions would be sufficient to justify commitment. In some cases two or three months in the inebriate asylum alone might be found to work as a deterrent; and only upon a certain number of repeated convictions after release should we advocate the longer term suggested by Mr. Read.

In both classes of asylums the treatment must be curative; but, whether in voluntary or in quasi-criminal cases, it is believed that prolonged confinement would act not only as a remedy, but as a deterrent from future excesses.

It may be objected that the change will entail a heavy expense, and it must be conceded that the outlay will of necessity be considerable. Upon the question of expense we applied to the best authority within our reach—Dr. Manning—and his estimate for inmates for the indigent class is about £27 per head annually. (*See First Appendix*, I.) In his letter communicating that estimate, Dr. Manning points out that it depends very greatly on—

"1st. The number of inmates, since the staff officers required would serve almost as well for 200 as for fifty, the only addition required for the former number being a certain extra number of warders.

"2nd. The position chosen for the institution and the provision in the shape of fences, &c., to prevent escape. If an island is selected, the number of warders will, of course, be less than on the main land; and if the fences are difficult to climb, the number required will be less than if the grounds are open and easily left.

"3rd. The accessibility or otherwise to contractors for provisions, &c. If near a large town, so that there will be competition for the supply, and no large cost in delivery, the cost under this head will be decidedly less than if in an inaccessible situation."

With corrections and allowances under the above heads, Dr. Manning estimates the cost per head at £27.* This estimate, he states, is for the indigent or pauper class, who, he supposes, will be supported entirely by the Government, and is a liberal one, especially for provisions, medical comforts, &c. He also states that he has made no allowance for the labour of the inmates, but presumes that a fair proportion will be employed on the farm in raising vegetables and farm produce for consumption, and in keeping the buildings clean and in good repair, some perhaps in erecting new buildings; but in addition to the cost of buildings, and of the staff of superintendents and subordinate officials, it must be admitted, we think, that the State will be to a large extent responsible for the maintenance of the families of those whom it may be necessary to confine for long periods. This obligation must, however, be discounted by the fact that many of these latter

* The average yearly cost of a prisoner is £15, for guarding and rations. (See evidence of the Comptroller-General of Prisons, Minutes of Evidence, p. 145; also, First Appendix F.)

already fall directly or indirectly as a burden upon the community. Those who should be the bread-winners of their families contribute but little to their support, and nothing when in gaol, and the added burden to the State would probably be less than might be supposed. But when all the probable cost of the change has been admitted, and it must be allowed that in any case it will be heavy, we are impressed with the fact that as the State derives an enormous revenue from the liquor traffic, viz., for Customs, £823,076, for Excise in beer, £124,867, and for retail and wholesale licenses, £105,630, a certain responsibility rests upon it to see that the traffic is carried on with the minimum of evil to those who contribute so much to the Public Treasury. Out of the large amount (more than a million sterling) derived by the State, directly and indirectly, from the consumption of alcohol, it is believed that something may well be given to diminish the evil effect of it. And beyond this consideration another remains. If there be any truth in our premises, or soundness in our conclusions, we are recommending a system which must have a tendency to diminish the evils of habitual drunkenness year by year, to lessen the numbers of those who at present fill our gaols, to save lives that now are prematurely cut off, and to increase alike the social, moral, and material welfare of our people.

Before leaving this subject we would draw attention to the extraordinary unanimity of the witnesses selected to represent the artizan classes in condemning the gaol treatment of drunkenness, and demanding, as a substitute for it, the reformatory treatment here recommended. It seemed no objection to those witnesses that perhaps some of their own class, nay even that themselves, might be deprived by that treatment of their personal liberty for a possible period of a year or eighteen months; neither did it appear to the most thoughtful among them that the hardship which, by reason of a husband's or wife's detention, might be suffered by his or her family, ought to be considered as an insuperable objection, in view of the reformation of the patient by means of the curative treatment which can only be properly carried out during a protracted detention. We are bound to confess that this unanimity took us by surprise, for we expected that the objections above indicated would have been held very strongly by these witnesses. Instead of that being the case, the "Inebriate Asylum" appears to have been accepted by them almost with enthusiasm. On the other hand, we cannot conceal from ourselves that there is absolutely

no precedent in Europe, America, or the Colonies for the proposed system of committal to asylums instead of to gaols. The Habitual Drunkards Act of England provides merely for voluntary seclusion; and perhaps that is the principal reason why it is of so little practical value in reducing the evil of drunkenness. All other reformatory systems of which we have been able to learn any particulars, have been either comparative failures, or have a very limited remedial effect; and none of them, as far as we know, provide the unthrifty or the indigent classes with a means of recovering their self-respect, or their value to the community of which they happen to be members, by compulsory seclusion. The absence of any exemplar of the kind of drunkards' reformatory which we recommend, necessarily deepens the feeling of responsibility with which we make the recommendation; but the case of our drunkards is, and must always be, so grave that no scheme of reformation ought to be discarded, because no similar scheme has been brought into successful operation elsewhere.

A few words remain to be said on another aspect of this question. It may be claimed by those who demand the immediate introduction of the Permissive Prohibition System, and by those who would place the Colony under a Maine Liquor Law, that under their method, there will be no room for inebriate asylums. There could be no greater delusion. No repression of the evil of drunkenness, whether by the play of Local Option, or by absolute legislative prohibition, can relieve a community like ours of its large contingent of drunkards. We believe that legislation, political organizations, and the temperance missionary can do much to mitigate the evils of drunkenness; but they cannot, at least within any reasonable time, relieve us of our formidable quota of inebriates, or of the obligations imposed on the state by their existence.

We now come to the consideration of the last method of repression, which we will here treat as falling under the Restrictive Class.

It was to be expected that a subject on which the opinions of intelligent men, both in public and private life, are in such pronounced discord as they undoubtedly are on the question of "Local Option," would also divide the opinions of the many thoughtful and influential witnesses whose views upon this most important but embarrassing question have been elicited during the Inquiry. Accordingly we find that a large number of witnesses, while admitting that

the instalment of "Local Option" embodied in the present law has had effects more or less beneficial in preventing the increase of public-houses, are opposed to the extension of the principle; some absolutely and without reservation; others, unless compensation is provided for houses of which the licenses should not be renewed; others, again, and among them the Inspector-General of Police, while in favour of the general principle, think that an extension of it would not induce people to take the trouble of voting. On the other hand, Sir Alfred Stephen is in favour of applying the principle of Local Option to determine the number of houses in each licensing district by a popular vote, and also for the purpose of reducing the number of unnecessary houses, by abolishing, without compensation, those in which breaches of the law had been committed. The Stipendiary Magistrates are much divided in their views of the question. (*See Epitome of the Evidence on Local Option.*) The Comptroller-General of Prisons prefers fixing a high standard of house to the operation of Local Option, and the Inspector-General of the Insane favours the law as it now stands, if the franchise were extended. Bishop Barry is in favour of Local Option, and would extend the franchise to the Parliamentary electors; but holds that if the system is extended to renewals, compensation must be provided, which might be furnished partly from a local fund and partly from the Consolidated Revenue. He further thinks that a certain number of years' notice before putting the extended system into force would mitigate the hardship to the licensee, though possibly not to the owner of premises of which the license should not be renewed. The Rev. R. Sellors and Dr. Jefferis are both in favour of an extension of the principle, and would give a few years' notice rather than compensation. Mr. Shearston also is in favour of full Local Option; and, provided compensation be given for closed houses, both Mr. Thompson, late President of the Amalgamated Licensed Victuallers' Association, and Mr. Watson, of the "Paragon Hotel," are in favour of Local Option, and the former, of an extension of the franchise. But another witness, and one whose opinion on this subject is entitled to very great weight—Sir John Robertson—while expressing himself distinctly in favour of the principle of Local Option, thinks that the people take but very little interest in it, and that therefore nothing would be gained by extending the franchise to the Parliamentary electors. The two representatives of the Local Option League expressed the opinions which are tolerably familiar

to the public, and seemed to agree in thinking that the form of Local Option provided by the Queensland Act would meet the requirements of the various temperance organizations. The representatives of the artizan classes were almost unanimous in their endorsement of Local Option, probably because it appeared to them to assert a democratic principle; but they had given but little attention to compensation and other difficulties which beset the practical application of the principle.

The mere enumeration of all these discordant, doubtfully expressed, or hesitating opinions will be sufficient to show that the Commission have not succeeded in obtaining by means of the evidence within their reach any solution of the problem which has exercised thinking men for so many years, viz.: How the public voice can be made effectively and yet equitably operative on the drink traffic?

But while we frankly admit that the problem can hardly be advanced a stage nearer solution by any recommendations we are in a position to make, yet we hope that the views expressed by some of the witnesses, when studied in the Minutes of Evidence, will not be without some influence in moulding public opinion.

This single question—Local Option—is of itself sufficient to engage the attention of a Commission, and to justify all the labour that could be bestowed in working out and examining its details; but your Excellency's Commission had neither the time nor the materials for an exhaustive inquiry; and the attention of its members was bespoken for many other subjects of investigation which could not be placed in the background or postponed.

Nevertheless, we are not altogether in the condition of Judges to whom nothing is left but the summing up of the evidence. We are able to make a very important and substantial recommendation in restriction of the drink traffic, and we are happy to be in a position to do so upon the evidence of our own witnesses.

But before making any proposition of the character referred to, we would, in as short a compass as possible, give a *résumé* of our present "Local Option" system, as well as of others now in operation in our neighbourhood and in Canada, accompanied by a brief description (so far as we have been able to learn) of their results.

We will begin with our own. By the Licensing Act of 1882 (which was introduced by Sir Henry Parkes), as amended by the Act of the following year, two concurrent

methods of limiting and regulating the liquor traffic are recognized. One is by the votes of ratepayers in the City of Sydney and the Municipalities. Of the results of these votes the Licensing Courts are required to take judicial notice. The other is by means of specific objections lodged before the licensing authorities by residents, or the police authorities, against the grant, renewal, transfer, or removal of any specific license for the retailing of liquors. Neither brewers' nor spirit merchants' licenses are within the operation of these provisions. The ratepayers' influence on the liquor traffic is shown by sections 34 of 45 Vic. No. 14 (the Principal Act) and 13 of 46 Vic. No. 24 (the Amending Act), and they describe the mode in which this influence is to be exercised, the effect of the affirmative and negative vote, and the limits of its operation. After the 1st January, 1882, the licensing authorities were prohibited from granting new publicans' licenses, or permitting the removal of such licenses from one public-house to another, in any ward of the City of Sydney, or in any Municipality, whether sub-divided into wards or not, in any case in which the Ward or Municipal ratepayers' negative should exceed their affirmative votes by one-twentieth of the aggregate of votes polled. If that proportion of negative over affirmative votes is not reached the voting is wholly inoperative for the local option period, which is three years from the date of the *Gazette* notification of the result of the voting. The Polls, therefore, and their operative effect, are triennial. But hotels containing not less than twenty rooms in addition to the minimum statutory number (viz., two sitting and four sleeping rooms for public accommodation) are withdrawn from the operation of the ratepayers' votes. In the City of Sydney the first vote was required to be taken within sixty days after the commencement of the Act (1 January, 1882). The next vote was taken on December, 1885. The third vote will be due in December, 1888. In Municipalities, other than the City of Sydney, the first vote was taken in February, 1882; the second in February, 1885; and the next vote will be due in February, 1888—in each case the voting being simultaneous with the annual election of aldermen.

Two questions only are asked of the voters, to which they must answer "Yes" or "No," viz.:—

(1.) Shall any new publicans' licenses be granted in respect of premises situate within that Ward or Municipality for the period of three years from this date?

(2.) Shall any removals of publicans' licenses be granted in respect of premises situate within the Ward or Municipality for the period of three years from this date?

If, in any case, no ratepayers' vote shall have been taken pursuant to the Act, or the voting shall, for any reason, have been abortive, the vote is to be taken at the next annual election of aldermen; and in those cases the term of three years is to count from the taking of an effective ratepayers' vote.

The voting, by the Amending Act, is required to be taken distributively in respect of each of the foregoing questions, but the prescribed proportion ($\frac{11}{20}$) of affirmative votes is retained, both in respect of the vote as it affects new licenses, and as it affects removals of licenses.

The Officers authorized to conduct the Civic or Municipal Elections, as the case may be, are utilized for the purpose of taking the local option vote, but no scrutiny is required. The result of the voting is certified to the Minister charged with the administration of the Licensing Acts by the Returning Officers, and he causes such results to be gazetted within seven days after receipt of the certificates. The expenses incident to the taking of these votes are paid by the Municipal authorities.

The results of the Local Option voting throughout the Colony have been collected for the years 1882 and 1885 (*see First Appendix*, W), but the subjoined Table presents those results in such a form that a comparison of the voting for the two years will be simplified. It also shows the comparative percentages of Votes to Voters on the Rolls:—

TABLE showing the Local Option Voting for the years 1882 and 1885, and the Percentages of Votes to Voters on the Rolls of the City, the Suburban, and the Country Municipalities respectively.

Year.	District.	No. of Municipal Voters.	No. of Votes.	Percentage.	Year.	District.	No. of Municipal Voters.	No. of Votes.	Percentage.
1882	City.....	6,936	1,040	14·9	1885	City.....	7,963	3,105	38·9
	*Suburban ...	25,863	7,878	30·4		Suburban ...	33,617	7,524	22·3
	Country	31,415	9,117	29·0		Country.....	36,347	10,079	27·7
	Total.....	64,214	18,035	28·0		Total.....	77,927	20,708	26·5

*The suburban Municipalities comprised in the Local Option voting for 1882, and those comprised in the voting for 1885, have been assimilated as far as practicable for the purposes of this table, in order that the same areas might be brought into comparison.

From this table it will be seen that while in 1882 the total number of votes polled compared with voters on the citizens' roll was, for the City of Sydney, only 1,040 out of 6,936 voters, or 14·9 per cent.; in 1885 the votes polled were 3,105 out of 7,963 voters, or 38·9 per cent.—an increase of city local option voting in the wards equal to 24 per cent. In the country municipalities, *i.e.*, those not included in the suburban list, out of a roll of 31,415 voters, only 9,117, or 29 per cent. voted in 1882, while in 1885, out of a roll of 36,347 voters, 10,079, or 27·7 per cent. voted—a decrease of 1·3 per cent.

On the other hand, when we come to the suburban municipalities, we find that, while out of a roll of 25,863, 7,878, or 30·4 per cent. voted in 1882, in 1885, out of a roll of 33,617, only 7,524 or 22·3 per cent. voted—a decrease of 8·1 per cent.

The interest taken in the Local Option Vote has, therefore, increased in a somewhat marked degree in the city wards, has slightly decreased in the country municipalities, and has appreciably decreased in the suburban municipalities.

On the whole, it would appear that the interest taken by the ratepayers of the Colony in declaring their opinions, locally, within the limits to which those opinions are confined by the Licensing Law now in force, has, when represented in figures, decreased from 28 to 26·5 per cent. of enrolled voters.

But it must not be forgotten by those who would otherwise derive some encouragement from this comparison of the Sydney voting of 1882 with that of 1885, and who might, with some reason, claim from the Legislature that larger measure of influence on the Metropolitan Drink Traffic, which the increasing popularity of the Local Option principle within the city wards would seem to justify,—it must not be forgotten by those persons, we repeat, that, according to the existing system, the vote, under one aspect, has a direct tendency to establish a monopoly in the retail trade, by restraining the increase of public houses in each voting area. The monopolists, therefore, and their supporters, or in other words the representatives of vested interests have a distinct encouragement held out to them to vote "No" in answer to both questions on the voting paper, inasmuch as each grant of a new license, or removal of an outside license to premises situate within the voting area, may augment the competition of trade to their disadvantage, and, in thickly-inhabited areas, would certainly do so. Of course it would

be impossible for us to offer, even conjecturally, any estimate of the number of persons, directly or indirectly interested in the liquor traffic, who have voted in favour of Local Option by answering the statutory questions in the negative. We must, therefore, content ourselves with drawing attention to the fact that our present system, if it does not give a direct encouragement to monopoly, at least gives an effect to the influence of vested interests calculated to neutralise the influence of that opinion to which it was the purpose of the Licensing Act to give full and fair play. We shall have to recognize, further on, the same tendency in the Local Option provisions of other countries.

Victorian Local Option comes next for consideration.

By the Act (49 Vic. No. 857) introduced into the Victorian Legislature in 1885 by Mr. (now Sir Graham) Berry, and passed with great difficulty, though not in the form in which it was submitted, Victoria is divided into Licensing Districts, each of which has a Licensing Court, and is co-extensive with a division of an Electoral District. For every district the Act provides what is called a "statutory number" of victuallers' or liquor licenses. That number is 1 for each 250 inhabitants of a district up to the first 1,000, and a further 1 for each 500 inhabitants over 1,000.

That number must not be exceeded; but exception is made in favour of road-side inns, subject to certain conditions, and also in favour of large hotels containing not less than thirty bedrooms, also subject to conditions. If the number of victuallers' licenses in any district be below the statutory number, it may, by determination of the electors, be increased to the statutory number, or to any number below the statutory number. If the number of such licenses is in excess of the statutory number for the district it may similarly be reduced to the statutory number.

Grocers' licenses are subject to the electors' votes in districts on the same principle. And in every case the determination of the electors is effective for three years; but in the case of grocers' licenses, the statutory number is one for each full 500 of the inhabitants of a district.

The number of inhabitants in a licensing district is ascertained in a somewhat arbitrary manner, by multiplying by 5 the number of rate-paying electors on the roll of the electoral division forming the licensing district; the number is then gazetted by the Chairman of the Licensing Court of the district.

The Local Option Vote is obtained on a petition to the Governor-in-Council of at least one-fifth of the electors; and upon the receipt of such a petition from any Licensing District, the Governor fixes a day in the month of March for the poll, which is taken by ballot. But to constitute a poll, at least one-third of the whole number of electors on the roll of the licensing district must have voted, otherwise the poll is void.

When a license is discontinued by the operation of these provisions, the occupying lessee and the owner (and mortgagee, if any) of the premises affected become entitled to compensation, which is ascertained by the Licensing Court, and paid out of a Fund created by License Fees, Fines, Penalties, and Forfeitures, and, if that fund should be insufficient, from such moneys as Parliament should appropriate.

The Victorian Act has only been in operation for some two years. Its efficiency, therefore, in diminishing intemperance has not yet been thoroughly tested; but we are informed that the temperance organizations in that Colony have little faith in it, and are already agitating for an amendment of its provisions. (*See evidence of Mr. Vale, Secretary to the Victorian Alliance.*)

Up to the present time, the only information we have been able to obtain is contained in the following *résumé* :—

From a Return, dated 26th August, 1887 (for which we are indebted to the Premier of Victoria), showing the results of the Local Option voting in Victoria, we find that in 1886 there were only ten Licensing Districts in which a vote was taken; that in eight of these districts the vote was void, because less than one-third of the total votes were polled; that in seven of these districts the majority of votes polled were in favour of a decrease of licenses, and in one, of an increase of licenses to the statutory number; that in the two districts where a poll was obtained, the vote was in favour of an increase to the statutory number of licenses in Maddingley, and of a decrease to that number in Stratford; also, that for these ten districts, out of a total of 6,861 voters, only 1,951 recorded their votes either for or against—average of 28·42 per cent.

We also find that in 1887 there were only nine districts in which a vote was taken, in one of which the vote was limited to grocers' licenses, and this was the only case in which a poll was obtained, the other eight polls being void, for the reason before mentioned; that in eight districts, out of a total of 8,688 voters, only 2,417 recorded their votes, being an average of 27·82 per cent., the number of votes polled not

being given in the remaining district; but as the vote was void, and the total number of voters on the roll was 948, the number of votes must have been under 300. Therefore, by taking these figures, we get a total of 9,636 voters who have recorded only 2,717 votes—an average of 28·19 per cent., or ·23 per cent. less than for 1886.

The Queensland Act, passed in 1885 (49 Vic. No. 18—*see Extracts in Second Appendix*), is undoubtedly the largest advance in Local Option to be found in any of the Australian Colonies. It has, however, been in force a very short time—too short, perhaps, to justify us in predicting for it any considerable measure of success. The following are its principal provisions on the subject of Local Option:—

The Colony is divided into Licensing Areas, consisting of municipalities or divisions or sub-divisions of municipalities, and the ratepayers are the voters. Not less than one-sixth of the ratepayers in an area may require the chairman of the local authority to take a poll of the ratepayers of such area for or against the adoption of all or any of these propositions:—

1. The total prohibition of the sale of liquors.
2. The reduction of licensed houses to a certain number.
3. That no new licenses be granted.

A deposit of £10 must accompany the requisition, and within seven days the Returning Officer shall cause a notice to be affixed on or near the door of every public-school, post-office, and railway station within the area, or published in a newspaper, giving the polling-day. Whichever resolution receives two-thirds of the votes in its favour is declared carried.

The voter makes a cross in the space containing the proposition for which he votes.

If the first resolution is carried or adopted, then, after the 30th day of June following the polling, no person shall sell, barter, or otherwise dispose of liquor within the area, except for arts, manufactures, or medicinal purposes. On the adoption of the second or third resolutions the local authority, upon being notified of the result of the poll, puts them into force within their jurisdiction. The Colonial Treasurer cannot issue a license beyond the number determined in the second resolution. No poll can again be demanded in respect of the first resolution (if carried) within three years, and of the second and third resolutions within two years. If all resolutions are rejected, no poll can be taken within two years. The expenses of the poll are paid out of the municipal or divisional funds. No compensation is given by the Queensland Act.

The following information respecting the working of the Act has been gleaned from the latest official returns:—

From a Return (*see First Appendix*, Z), furnished by the Chief Inspector of Distilleries, Queensland, showing the results of the Local Option voting in that Colony, we find that in 1886 a vote was taken in nine districts; that the third resolution—"That no new licenses shall be granted"—seems to have been the only one which was voted on; and that, although the number of votes recorded was very small, the majority was always in favour of the resolution. That in 1887 the vote was taken in six districts, in one of which the majority was against the third resolution, the majority in the other five being in favour of it; and no more interest seems to have been taken in the voting for that than for the previous year.

The following extract is from the Report for 1887 of the Chief Inspector of Distilleries for Queensland:—

"In the Fernvale District the small number of votes polled shows the slight interest taken in the proceedings, and does not show the feelings of the ratepayers of this division. Another phase of this section—which, I think, was not contemplated by the Legislature—is a case in which a storekeeper in a certain township, who was at variance with the local and only publican, determined to open an opposition hotel. The publican, on learning this, immediately canvassed the district, and, under the 3rd sub-section—"That no new houses were to be opened"—failed to carry his point in having a monopoly of the business for a term of years. It is also noticeable the want of interest in taking advantage of the powers which "*The Licensing Act of* 1885" gives in this direction, and for which such persistent demands were made for its introduction."

The provisions of the New Zealand Act on this subject may be very briefly stated. (*See also Extracts in Second Appendix*):—

The chairman of every Licensing District every three years appoints, by advertisement, a day for taking a vote of the ratepayers as to whether the publicans' wine, accommodation, or bottle licenses in such district shall or shall not be increased. The voting papers contain affirmative and negative lines as to increase in publicans' wine, accommodation, and bottle licenses respectively, and the voter strikes out the proposition he intends to vote against. A bare majority decides the question. The affirmation of the advisability of an increase does not compel the Licensing Committee to issue new licenses.

Local option is not in force within special districts.

Of the working of that Act we have no very satisfactory information, but from what we are able to gather, it does not appear to satisfy any party in that Colony.

The Canada Temperance Act of 1878 (commonly known as the Scott Act) as recently amended, is a Permissive Prohibition Act deserving, we think, the most prominent position in existing Local Option or Permissive Prohibition Legislation. Its principal features are these :—

The second part of this Act prohibits the sale of intoxicating liquor, unless it be for exclusively sacramental or medicinal purposes, or for *bonâ fide* use in some art, trade, or manufacture. Sacramental wine is to be sold only on certificate of a clergyman, liquor for medicinal purposes on that of a doctor, and for art, manufactures, &c., on that of two Justices and the applicant. Distillers and brewers can sell not less than 10 gallons of spirits or 8 gallons of beer to licensed druggists or persons who undertake to convey it for sale outside the proclaimed district or beyond an adjoining district which has also been proclaimed. Merchants and tradesmen and manufacturers of pure native wines may do the same, and 10 gallons may be sold by incorporated companies of vignerons without limit of area.

The penalties for offences under this part are—for the first offence, 50 dollars fine; for the second, 100 dollars' fine; and the third and subsequent offences, imprisonment not exceeding two months, principal and agent alike. Possession of liquor *prima facie* evidence of offence. To bring this into force in any district, a petition, signed by one-fourth of the electors qualified to vote at elections of members of the House of Commons for the country or city, must be presented to the Governor-in-Council. This petition asks that the votes, for and against, of the electors may be taken as to the adoption of the petition, which prays that the prohibitory provisions of the Act may be put in force in the district. Evidence must be given as to the *bonâ fides* of the signatories and deposited with the Sheriff or Registrar of Deeds ten days before the petition is laid before the Secretary of State, with a declaration that two weeks previous to such deposit notice was twice given in two newspapers.

When the Governor is satisfied, a proclamation is issued containing all particulars of the petition and fixing the date and place of polling and declaration of the poll, and the date on which, if adopted, the Act will come into force in the district. No polling takes place on the day of election

for Parliament or local Legislature. Agents for both sides, one each for polling booths, and two for each side at the scrutiny of votes, are appointed. These make declarations that they are interested for or against the adoption of the petition, and take oaths of secrecy.

If one half of the votes are against the adoption of the petition it is rejected. If more than one half are in favour, it is declared adopted.

An appeal to a Judge for scrutiny of the votes can be made, the appellant depositing 50 dollars.

The ballot-paper contains two spaces, the upper in favour of the adoption of the petition, the lower against. The voter makes a cross in the space containing the proposition which he is in favour of.

Penalties are provided for impersonation and fraudulent practices.

If the petition is rejected, no similar petition can be put to the vote for three years. If it is adopted, an Order-in-Council issues within sixty days, and the second part of the Act comes into force when the annual or semi-annual licenses expire, provided that date be not less than ninety days after the issue of such Order in Council; if less than ninety days, then on a like day in the following year. An amending Act reduces this to thirty days, when no licenses are then in force. No Order-in-Council can be revoked within three years, nor unless upon a vote of more than one-half in favour of such revocation, on petition, signed by one-fourth of the electors.

No compensation to the holders of existing licenses who may lose them by the operation of the Act is provided.

Upon the working of the Scott Act we have the evidence of two Canadian gentlemen, Messrs. C. B. Hayes and J. H. Moore.

Mr. C. B. Hayes states that the law is evaded by unprincipled people who sell without a license; considers that the law is not enforced, and that the Local Option system under the Scott Act is necessarily a hard one to enforce; is disappointed with the Scott Act. That the fact that persons on one side of an imaginary line can obtain liquor, and those on the other cannot, renders the law inoperative; that it is necessary, in order to enforce any prohibitory Act, that almost the entire community should be in favour of such prohibition; that it is easier to enforce the Scott Act in the country districts than in the towns.

Mr. J. H. Moore considers that the Scott Act has had the effect of lessening drunkenness, and has been very beneficial to the country; that public sentiment is growing in its favour in Canada. Comparing this Colony with his own country, Mr. Moore believes that the Scott Act is a good one.

Having thus briefly reviewed the principal methods by which local public opinion has been made operative in restriction of the traffic in drink, and having, when possible, stated what was known to us of the working of those methods, it remains for us to offer such proposals as—upon a thorough consideration of a subject beset with difficulties and dangers—appear to be most suitable to our circumstances, and best adapted to provide a practical remedy for admitted evils.

In the first place, we will assume that the Legislature will not wholly abandon the principle of Local Option, ineffective though it undoubtedly is, and capable of being misdirected, as we have already pointed out. Our recommendations could be carried out, it is true, independently of Local Option voting; but it is at least possible that they might be more effectively carried out by an extension of the principle already embodied in our Law.

If these recommendations are, in other respects, thought deserving of consideration and adoption, it will be for the Legislature to decide whether they should be made effective by direct action of the Executive consequent on legislation, or by the agency of the Local Polls.

We begin then by suggesting that the existing law should be amended, so as to extend the franchise for any future Local Option voting to the Parliamentary elector for the time being. In Sydney the ratepayer and the householder (who ought to have a vote) are by no means convertible terms; but we think that not only should every householder have a vote in all matters connected with the restriction of the drink traffic, but that every person who is qualified to vote for a representative in Parliament ought to have such a vote within his licensing district. For that purpose we would further suggest that Licensing Districts should be made to correspond in area either with Electoral Districts, or with distinct Police Districts, or parts of such Districts within Electoral Districts.

There would be no great difficulty in making the necessary re-arrangement of our Licensing Districts for this purpose; and one obvious advantage in this alteration of the law would be that persons resident or having qualifications in

Electoral Districts, but who are not ratepayers because they do not reside in any municipality would be entitled to vote on subjects which should concern them as much as if they happened to be ratepayers. This proposal in the direction of extending the Local Option franchise has the approval of nearly all the witnesses examined on this point, and to us it seems to have both equity and common sense in its favour. Moreover, it seems a strange provision of the law which allows a vote to a man only on the condition of his being a ratepayer in a country in which the unincorporated area is said to be to the incorporated more than 150 to 1. A public-house is a good or an evil wherever it is located; and the issue whether the number of public-houses ought to be increased or diminished is certainly not one which ought to be decided only in incorporated areas.

Simultaneously with the extension of the franchise, we would suggest that different issues should in future be tendered to the voters, if our proposed scheme of reduction of public-houses in the City of Sydney, and of controlling the number of licenses in all other districts, be considered appropriate for determination by the voters. That is a decision, as we have already said, for Parliament. We consider, after having given much anxious thought to the matter, that the fixing of a "statutory number" of public-houses for every Licensing District in the Colony, a principle which has been at various times strongly advocated in England and been recently adopted in Victoria, is sound and fair, and we recommend its establishment when our Licensing Law is next remodelled. But we would not, as has been done in Victoria, fix that number according to the population of the Licensing District, but according to the number of Parliamentary electors (simply) in the district.

In Victoria the population, as we have pointed out before, is ascertained by multiplying the number of electors on the Electoral Roll of each Licensing District by five. We prefer a simpler plan, and would fix the statutory number by the number of electors.

In the City of Sydney we propose that there should be one liquor license allowed to each eighty electors on the Roll. As the electors now number 32,031, that would reduce the number of licenses from 500 (the present number) to 400. According to the Victorian method the statutory number for Sydney would, assuming its population to be 132,846, give only 268 licenses.

The "statutory number" for the rest of the Colony should, we think, be one license for each 100 electors on the roll of the Licensing District; but we would adopt somewhat similar exceptions from the severity of the rule, by excluding wayside inns in thinly peopled districts and distant (so many) miles from one another.

This "statutory number" we would bring into force throughout the Colony on a deferred date, which we think should be five years from the time when the Legislature passed the law declaring the statutory number, or when the votes of the electors brought it into operation. We escape the insurmountable difficulty of "compensation" by this long notice, and we make a fair bargain with vested interests.

But we recommend special provisions for the city of Sydney to bring about the reduction of licenses from 500 to 400, so that only the worst conducted houses and those which are now struggling for existence by retailing bad liquor and having recourse to still more questionable practices, should be weeded out.

To show how public-houses in some parts of Sydney are congested, and how much they must be in excess of the reasonable requirements of the districts we have constructed four plans, the largest of which shows the position of public-houses in Gipps Ward—the position of each being indicated by a pink mark. The other three plans show the positions of public-houses at the Haymarket, King-street, and in the neighbourhood of William and Bourke Streets. These charts may be taken to represent one area of greatest congestion and several areas of moderate congestion. *(See plans at the end of this Division.)*

The method by which we recommend that the proposed reduction of public-houses in the metropolis by 100 shall be carried out, is as follows:—

A strong Revision Court might be constituted, comprising the Stipendiary Magistrates and Metropolitan Licensing Magistrate, the Mayor of Sydney for the time being, the Inspector-General of Police, the Medical Adviser to the Government, and the Judges of the Metropolitan District Court. This Court should be armed with all necessary powers of inspection and for obtaining evidence, and its first function should be an inquiry into the character and consideration of the relative positions of the public-houses in each ward of the city. The reduction should then be proceeded with, and a scheme showing the proscribed houses would then be drawn up and submitted to the Government either for (1)

legislative enforcement and consequent departmental action; or (2) legislative embodiment in such a form as to make enforcement consequent only upon local adoption by the Parliamentary electors of the city voting as a whole, and not in wards.

The licensees of the proscribed houses should have the option of surrendering their licenses or of carrying on business (subject to the licensing law in force during the period), for a term of five years. In the first case it might be fair to award to owners and occupants such an amount, by way of compensation, as should be the equivalent of the license fees paid in respect of such houses for the preceding five years. In the second case, no compensation should be awarded, as the term of five years is intended to supersede the necessity of granting compensation.—It is, in fact, the compensation.

This method, it will be observed, provides an alternative. It can be carried out by means of the Local Option vote, or independently of it.

If it should be carried out by means of the Local Option vote, care should be taken that the vote is genuinely representative of the electors' views; and we think that a majority of the electors on the roll should be required to record their votes for or against, to give validity to the voting.

The "statutory number" in Licensing Districts outside the City of Sydney should in our opinion remain a "constant"; but it might be left to the electors to require by petition (as in Victoria) a poll with the view of ascertaining whether the statutory number should in any case be raised, and if so by what number. The effect and duration of such a poll should be the usual term—three years; and the result of the poll would be taken judicial notice of by the licensing authorities.

The polls should, in every case, be made independent of the Municipal elections; and the fixing of place, date, and all other arrangements should be left to the Government; while the Consolidated Revenue Fund, and not the Municipal funds of the various Licensing Districts, should be charged with the expenses of the voting.

If the statutory number should be found too high or too low for the metropolis or for the suburban or country districts, the Legislature could always be appealed to for a better adjustment.

It is our firm belief, as it is that of a large majority of the witnesses examined by us, including in this number those who spoke as actual customers of the publican, that the

number of licensed houses has a direct effect on the amount of intemperance. The report of the Select Committee of the House of Lords on Intemperance already cited by us, is to the same purport. Of all the witnesses who gave us their opinions on this subject, two or three only advocated what they called free trade in the drink traffic, and those could hardly have escaped the "unconscious bias" of their avocations or sympathies. All our evidence, with the particular exceptions mentioned, is strikingly unanimous on the effect of this plethora of public-houses in the metropolis. On reference to the epitome of the Evidence on the "Number of Public-houses," or to the Minutes themselves, it will be seen that, outside the sphere of vested interests or sympathies with such interests, there is but one opinion. And it should be noticed that Mr. T. F. Thompson, late President of the Amalgamated Licensed Victuallers' Society, thinks that from 100 to 150 of the lower class houses might well be dispensed with. Mr. Hunt, of the "Oxford Hotel," thinks that there are too many public-houses in the city by at least 200. In the same direction is the testimony of Mr. Watson, of the "Paragon Hotel"; Mr. C. W. Roberts, of the "Crown and Anchor." Mr. J. B. Olliffe, of the "Royal Hyde Park Hotel," and formerly a member of this Commission, thinks that at least 100 houses might be done away with without injury to anyone and with advantage to the community. Mr. J. C. Weale, Secretary to the Amalgamated Licensed Victuallers' Association, thinks that in the Metropolitan District the public-houses are too numerous for the population, and that at least 100 and perhaps 150 of them might be dispensed with. Mr. Toohey, M.P., and formerly a member of this Commission, while regarding 830 houses as not too many for the entire Metropolitan Licensing District, thinks that they are in excess within the city boundaries, and should be more evenly distributed. Sir John Robertson, while denying that diminishing the number of public-houses will diminish intemperance, nevertheless thinks that if the number were reduced with the object of raising the standard of the residue and improving the quality of the liquor sold, there would be good reason in such a principle of reduction.

As we claim that our recommendations for reducing the metropolitan number, coupled with our proposals in connection with multiple bars, and for improving the quality of liquors, will of necessity "raise the standard" of public-houses, we are encouraged to believe that we have Sir John Robertson on our side.

But, however that may be, we consider that the powerful consensus of opinion on this subject disclosed by the evidence of the representatives of the artizan classes, is alone sufficient to place the burden of proof on those who advocate the continuance of the existing state of things.

We are, nevertheless, familiar with the arguments, accompanied as they have been by elaborately constructed statistics, of those who, like Messrs. Dendy and Poynting before the Select Committee of the House of Lords on Intemperance, are prepared to prove that intemperance does not necessarily vary directly with the increase or decrease of the incentives to it. We do not controvert the able arguments of these gentlemen when applied to the United Kingdom, but we are convinced that, when applied to this Colony, and especially to such a city as Sydney, their conclusions are fallacious, and if carried out to their logical extremes, would be most disastrous.

We prefer on such a point as this the experience of such men as Mr. Chamberlain, M.P., to the opinions of the most accurate statists, even if that experience had not been accepted by such a body as the Committee just referred to.

The witness just mentioned gave his opinion in the following terms :—"The enormous number of public-houses, which is clearly out of all proportion to anything like the legitimate wants of the people, must tend to increase the temptation. In the first place, it has its effect on the people; people cannot pass this number of houses without being more tempted than they would with a fewer number. I do not attach much importance to that, but I attach great importance to the number of persons directly interested in increasing the trade. There are 1,900 people in Birmingham with their families, and all the members of their little circle who are under the necessity of making a livelihood out of this trade. If there were only half the number they would do less trade; perhaps not in proportion to the reduction in the number of persons, but still there would be a greater diminution. Then the number of houses excites competition. Those men living so close together cannot afford to offend their customers in any way, and any demand that is made upon them they must meet, not merely from fear of losing the immediate custom, which they are unwilling to lose, but from fear of losing the whole custom of the man; and there is no doubt that improper practices, such as gambling and such things, are allowed to go on, because the publican, although he may not approve of it, does not like to set his face directly against it."

Before concluding this Division of our Report, we may shortly explain why, in our judgment, the method of reducing public-houses proposed by us is preferable to the local option principle embodied in the Queensland Act; a measure which, it is understood, has been largely accepted by the Local Option League of this Colony.

In the first place, the results of the Queensland Act are not encouraging to those who, above all, desire expedition rather than expediency in dealing with our hugely overgrown drink traffic. An Act similar to the Queensland Act might be on our Statute Book for ten years without in any appreciable degree checking an evil which should be dealt with immediately.

In the next place, we doubt whether such a measure as that of Queensland could be passed in this Colony within a reasonably short period; and if passed at all, we doubt if it could be passed without provision for compensation. That question alone is capable of delaying legislation beyond endurable limits; for the comparative facility with which a non-compensation Local Option Act has been carried in that Colony would be no guarantee for a repetition of that good fortune in this Colony.

In the third place, we think the drink question a national one; and not a political question as some members of the Local Option League regard it; still less a local question, to be determined this way in one area, that way in another, and a third way in a third area.

In the fourth place, we are not altogether without some misgivings concerning the probable effects of permissive prohibition in causing a congestion of public-houses along the border of areas from which liquor has been voted out, or in which public-houses are prohibited. *(See on this point the evidence of the Canadian witnesses, and of Colonel Ballingall.)* Permissive prohibition having (let us suppose) gained the day in Fitzroy Ward, might thereby have merely pushed the drink evil into Gipps Ward, or having gained the day, even for the whole of the Wards, might only have thrusted the public-houses into the adjoining suburbs.

This difficulty, it is true, the Local Optionists make light of. "Give us the framework or machinery for prohibiting the drink traffic (they say), and we will soon educate the electors of the Colony, to get rid of it by an almost unanimous vote."

We do not look on the effect of anti-alcohol education or agitation as likely to provide such an early or efficacious

remedy as is represented by the Local Optionists. Those who are virtually interested in the drink traffic are a wealthy and a very powerful body, and the weapons of agitation are as familiar to them as to their adversaries. If even they were out-voted in the City wards and were obliged to evacuate their present strongholds, what is there to prevent them from intrenching themselves in the suburbs, or from carrying out the same tactics, which in several of the American States the liquor traffic has found so effective,—the conversion of the drug shop into what is practically a liquor saloon. A powerful organization struggling for existence must, in the long run, outwit any organization which is merely struggling for the triumph of its convictions.

For these reasons, and for some among the reasons urged by the Lords Committee on Intemperance against Sir Wilfrid Lawson's Permissive Scheme,* we are disposed to think that

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* The following are the provisions of the "Permissive" Bill, and appended to it are some observations of the Committee of the House of Lords on Intemperance :—

"WHEREAS the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity, and premature death, whereby not only the individuals who give way to drinking habits are plunged into misery; but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented.

And whereas it is right and expedient to confer upon the ratepayers of cities, boroughs, parishes, and townships, the power to prohibit such common sale as aforesaid.

At any time from and after the *passing of this Act*, it should be lawful for or more ratepayers residing in a municipal borough or parish, by notice in writing under their hands, to require the mayor of such municipal borough, or the overseers of the poor of such parish, to take the votes of the ratepayers of such municipal borough or parish respectively, as to the propriety of bringing into operation therein the provisions of this Act.

This Act shall not be adopted within such borough or parish unless at least *two-thirds* of the aggregate number of votes so given as aforesaid be in favour thereof.

If the ratepayers of such borough or parish shall determine in manner aforesaid in favour of the adoption of this Act, it shall be lawful, after the expiration of *three years* from the commencement of this Act coming into operation, for any ratepayers of such borough or parish again to call upon the mayor of the borough or the overseers of the poor of the parish again, to take the votes of the ratepayers of the borough or parish.

From and after the time limited for the commencement of this Act in any borough or parish, as hereinbefore provided, no license whatever shall be granted or renewed for the sale of alcoholic liquor in such borough or parish; and any person selling or disposing of any alcoholic liquor within such borough or parish shall be dealt with as selling without license, and shall be subject to all the penalties provided for such offence under any Act or Acts of Parliament regulating the sale of alcoholic liquors which may be in force at the time of the adoption of this Act, provided that nothing herein contained shall be held to affect any rules made under the provision of any statute permitting the sale of methylated spirits for use in the arts and manufactures of the United Kingdom."

The Committee cannot include amongst the measures which they recommend, even for local and experimental adoption, the Permissive Prohibitory Bill.

This measure proposes "to enable the owners and occupiers of property in certain districts to prevent the common sale of intoxicating liquors within such districts," and this prevention is to be effected by the adoption of the Act by the vote of two-thirds of the ratepayers, immediately upon which "all sale or disposal of any alcoholic liquor within such district," with the exception only of methylated spirit for use in manufactures, becomes illegal, and liable to the penalties now imposed for sale of such liquor without license.

the method of reduction which we have recommended is, on the whole, preferable to the Queensland Local Option system, or to any other system the object of which is to transfer to local voters the right to do what hitherto has been the

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It is clear that the degree of prohibition aimed at in this Bill, extending, as it does, to all sale or disposal of liquor, would include all wholesale as well as retail dealings; all sales by wine merchants, as well as by grocers; and all sales, also, in refreshment rooms and hotels, as well as in public-houses and beer-houses. On the other hand, it is not proposed to forbid the manufacture, importation, or possession of such liquors. It appears to the Committee that this absolute prohibition of sale, but of sale only, of alcoholic liquors is unsound in principle, and likely to prove, in practice, either mischievous or inoperative.

As regards the principle of this measure, it seems neither consistent nor reasonable that the Legislature should forbid the sale of any article of diet, the manufacture, importation, and possession of which it leaves perfectly free. For either the common use of such article is so dangerous to the state that it should, in the public interest, be prevented, or restrained within very narrow limits, and, in that case, its manufacture, importation, and possession should obviously be also prevented or limited on the same ground; or its use is not so dangerous as to justify such prohibition or limitation, and in that case there seems to be neither reason nor justice in making it an offence to sell that which it is no offence to manufacture, possess, or use.

If, however, this measure, whilst directed only against the common sale, would really have the effect of preventing, indirectly, the common use of all alcoholic liquors, then it amounts to a proposal that the Legislature should, while effecting one object, thereby also effect another and an entirely different one. If it be desirable to attempt to prevent by law all common use of alcoholic liquors, any such attempt should be made directly, and should be aimed, if it is to be effectual, against the manufacture, importation, and possession, as well as against the common sale of all such liquors.

The only justification for thus singling out the one act of sale from all those by which the liquor at last reaches the customer, would be that it is necessarily, or even generally accompanied by such evils as to demand and justify its prohibition for the sake of the public welfare. This, however, has not been shown to be the case. There can be no doubt that the great majority of those who purchase and consume liquor are not guilty of intoxication, nor are the places where it is sold by any means so universally the scenes of drunkenness and disorder as to call for their suppression on that ground alone. It does not seem, therefore, either just or expedient that the purchase and moderate use of liquor by the majority of persons should be prevented because there are some who abuse it to their own hurt or that of others.

The mode in which it is proposed to effect this prevention, namely, by the vote of the ratepayers, seems also to be open to serious objection. For, if the common sale of alcoholic liquors be a thing so universally pernicious, and so incapable of regulation as the advocates of the Permissive Bill maintain that it is, then it should be universally prohibited by a general Act of the Legislature; nor should it be tolerated in any particular locality merely because a certain number of the ratepayers desire it. But, on the other hand, if it be not so essentially evil as to justify such universal prohibition, then to make its prevention depend upon the vote of the ratepayers, is to establish the principle that the ratepayers in a given district should have the right to forbid the pursuit of any trade or calling of which they disapproved, even though such trade or calling were—apart from this local prohibition—a perfectly lawful one, and were carried on in other places with the full sanction of the Legislature.

Such a principle once adopted is capable of large and very dangerous extension in practice. It might, if pushed to its full limits, be applied on similar grounds to the prohibition of unpopular places of religious or political resort, as well as to obnoxious occupations. Nor is the granting of such a power to the ratepayers justified by the argument urged in its favour, that it would only extend to the people in a larger degree the power already possessed by the Magistrates, who may now refuse to grant certain licenses in their respective districts. For, apart from the question whether powers which may safely be entrusted to Magistrates may, with equal safety, be entrusted to the people at large, it is certain that the power of granting or withholding licenses has been given to the Magistrates not for the suppression but for the regulation of the liquor traffic, and that any attempt on their part to use such power not for the regulation, but for the suppression, of the traffic would be inconsistent with the principles hitherto observed by the Legislature.

function of their representatives in Parliament, which function, for any thing we can see to the contrary, those representatives are still both competent and willing to exercise.

While for these reasons the measure seems to the Committee unsound in principle, it would, they are persuaded, prove in practice either inoperative or mischievous. It would prove inoperative in all those cases where the district in which the measure had been adopted was conterminous with one in which it had not been adopted, and where the mere act of crossing a street might enable those who desired to do so to escape completely from its restraints. It would most probably prove mischievous where such escape was impossible or difficult, by leading to illicit and secret sale and disposal of liquor, and certainly by the incessant agitation and strife which would in most cases result from the absolutely indispensable provision that the adoption of this Act should be subject to revision, from time to time, by further votes of the ratepayers.

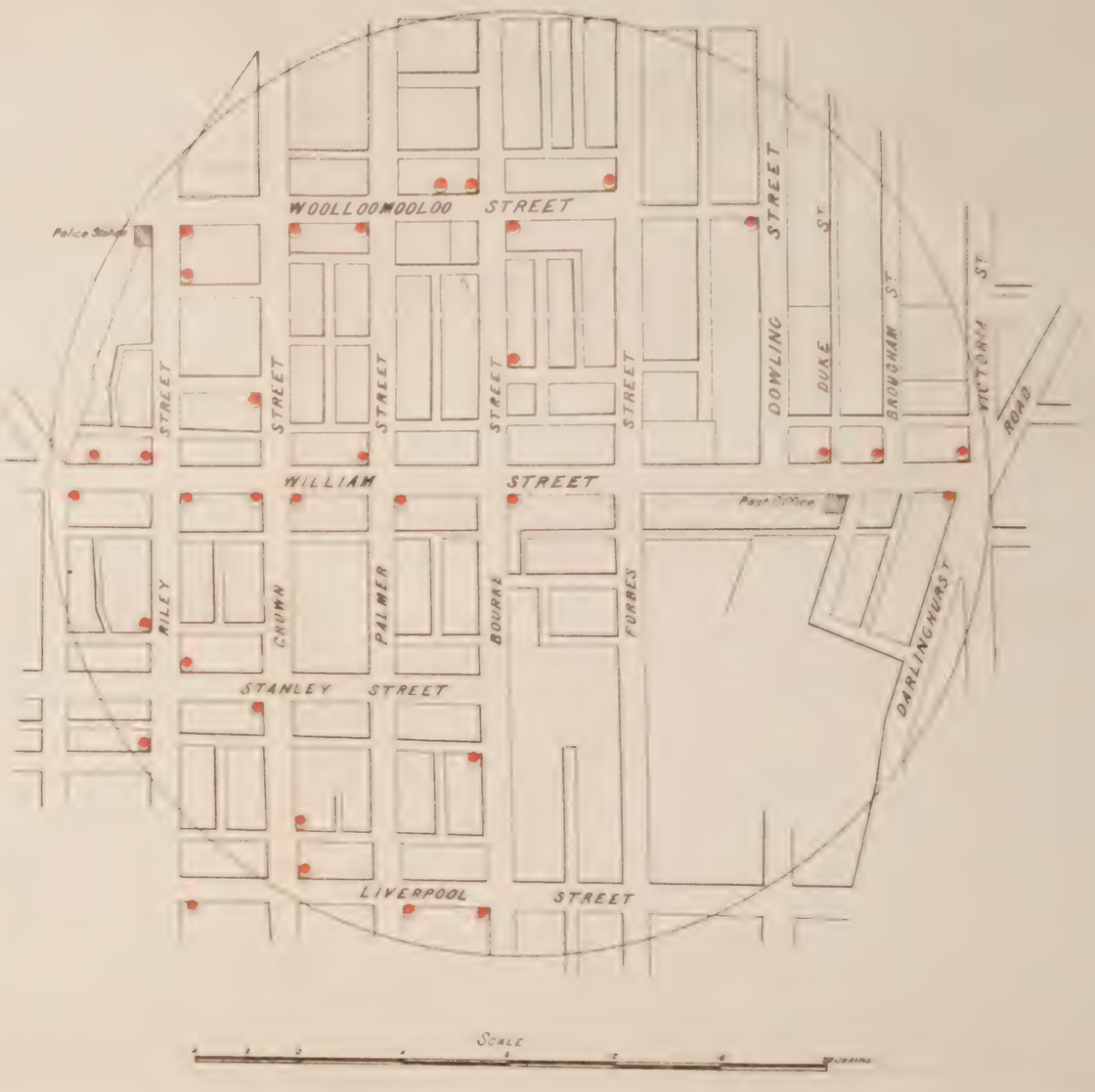
For these reasons the Committee feel that they cannot recommend the Permissive Bill, as a measure either of justice or sound policy, or as likely ultimately to promote the cause of temperance to which its advocates are so earnestly and so laudably devoted.

[Two Plans follow.]

Nº 1.

Nº 2.

Nº 3.



Nº 1 Map of Campbell and surrounding streets shewing number of Public Houses situated within a radius of 308 yds from the junction of Pitt and Gipps Streets.

Nº 2 Map of King and surrounding streets shewing number of Public Houses situated within a radius of 220 yds from the junction of King and Castlereagh Streets.

Nº 3 Map of William and surrounding streets shewing number of Public Houses situated within a radius of 396 yds from the junction of William and Bourke Streets.

Note: The Red Disks show the positions of Public Houses.

Sig. 12c. 1_87)

ARRESTS AND CONVICTIONS.*

We have expressed the opinion (*ante* p. 31) that the table of relative consumption taken in conjunction with arrests and convictions for drunkenness should afford a much more trustworthy guide as a test of the inebriety of one community when compared with that of another than any Drink Bill. To facilitate such a comparison, and, at the same time, present in a tabular form the statistics of arrests and convictions with their respective percentages to mean population for the years 1885 and 1886, we have constructed the appended table:—

RETURN showing Arrests and Convictions for drunkenness, and percentages to mean population for the Metropolitan District and the Country, for the years 1885 and 1886.

Year.	Locality.	Mean population.	Arrests.	Convictions.	Percentage of Arrests to population.	Percentage of Convictions to population.
1885	Metropolitan District.....	301,426	14,946	14,023	4·95	4·65
	Country.....	629,505	11,345	9,759	1·80	1·55
	Totals.....	930,931	26,291	23,782	2·82	2·55
1886	Metropolitan District.....	323,180	15,741	15,252	4·87	4·72
	Country.....	656,760	10,569	8,506	1·61	1·29
	Totals.....	979,940	26,310	23,758	2·68	2·42

From this table it will be seen that the percentage of arrests to population for the whole Colony fell from 2·82 in 1885 to 2·68 in 1886. Similarly that the percentage of convictions to population for the whole Colony fell from 2·55 in 1885 to 2·42 in 1886; also that the percentage of arrests fell uniformly both in the Metropolitan District and in the country generally, but that the percentage of convictions, though it fell both in that district and in the country, rose by ·7 for the District in 1886.

* For a valuable table of arrests of females for drunkenness furnished to the Commission by the Government Statistician when this part of the Report had been passed through the press, see *ante*, p. 45.

Absolutely, *i.e.*, without reference to population, the number both of arrests and convictions has risen in the Metropolitan District from 14,946 arrests in 1885 to 15,741 in 1886, and from 14,023 convictions in 1885 to 15,252 in 1886, while in the country the arrests and convictions have not only fallen absolutely but relatively to population.

Collecting then the statistics of arrests and convictions for these years and the statistics of consumption we are brought to the conclusion that the actual "quantum" of drunkenness throughout the Colony has slightly diminished.

But here it is necessary to point out that although these police statistics are valuable as a criterion of drunkenness, yet, like similar statistics in all countries, they are in more than one respect fallacious, and unless proper allowances are made will be likely to mislead.*

One principal fallacy lies in the fact that both under the head of arrests and convictions, but perhaps to a greater degree under the latter than the former, the figures represent

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* Extract from the Report of the Select Committee of the House of Lords on Intemperance (1879.)

The police statistics of apprehensions and convictions are inconclusive.

In the first place.—They chiefly include the "drunk and incapable" and the "drunk and disorderly." Drunken persons neither disorderly nor incapable can only be dealt with by summons, and in the great majority of cases are not dealt with at all.

On the other hand, the number of convictions is swelled by the repeated convictions of the same persons.

In the second place.—Experienced witnesses agree in attributing the number of apprehensions to the degree of activity of the police and the proportion which the numbers of the force bear to population and area rather than to any other cause. Mr. Chamberlain attributes the number of apprehensions to the "comparative stringency with which the law is carried out; just one turn of the screw would bring in ten times the number."

But this does not entirely account for the immense difference in the number of apprehensions for drunkenness in large towns. For instance: The population of Manchester exceeds that of Birmingham by 8,000, but the number of apprehensions for drunkenness in the former town in the year 1870 was 11,083, while in the latter it was only 2,244.

Mr. Chamberlain asserts that "there is absolutely no law for accounting for the variations of drunkenness in large towns;" and Professor Leone Levi and other witnesses agree with him.

For example: Comparing the towns of Rochdale and Bolton, which have about the same population, the same number of police, and the same climate, in the one case the proportion of drunkards to population is 1 in 40, in the other 1 in 90.

A further illustration of the fallacious character of the police returns occurs in the statistics of the metropolitan district. In the year 1874 there was a very marked decrease in the number of apprehensions as compared with the year 1873; they dropped from 29,755 to 26,155. This diminution Mr. Davies attributes entirely to the more cautious action of the police, in consequence of proceedings taken against the police on their failure in obtaining a conviction against two persons who had been apprehended for being drunk and disorderly.

Then again, the Act of 1872 appears to have had the effect of increasing the number of apprehensions; the licensed houses are cleared at 11 o'clock, and the drunken persons turned into the streets. Drunkenness has been brought to light very much more since the Act of 1872.

the "cases" or numbers of offences, and do not throw any light on the number of distinct offenders. The Inspector-General of Police and the Inspectors of Divisions all admitted the existence of this misleading factor in the returns; and most of them appeared to be impressed with the impossibility under present circumstances of removing it. Almost all the Stipendiary Magistrates examined admitted that the number of convictions was not a safe guide to the ascertainment of the number of drunkards, and some thought that the number of habitual offenders convicted was so great that they probably represented as much as, or even more than, three-fourths of the total convictions.

It seems no uncommon thing for an old offender to be convicted, and, as a rule, sent to gaol as many as four or five times in the course of one year, and some, it is well known, have during their career undergone as many as from thirty to sixty or even seventy imprisonments. The extent to which the returns of arrests and convictions are swollen in any one year by the repeated appearances of these habitual drunkards—both men and women—before the magistrates, is, however, practically incapable of anything like exact statement. But we are convinced that, in the Metropolitan District, the number of arrests represents about five times the number of individual drunkards. What the proportion might be for the rest of the Colony, we have no means of even guessing. To furnish (in round numbers) 15,000 arrests it is manifest that we must possess in the city and suburbs a most formidable, as it is also a most melancholy, contingent of habitual drunkards. It certainly means a roll of at least 3,000 within those limits of population, for it must not be forgotten that a very large number of persons found intoxicated are not apprehended by the police. The Inspector-General thus (20) stated the rule of his department as regards arrests: "A man is arrested if he is drunk, and is causing thereby an annoyance to citizens; he is arrested if he is drunk and incapable, having apparently property about him which would fall a prey to thieves; and he is arrested if he is drunk combined with any other statutable offence, such as an assault; but if he is in a state of intoxication when he is well able to take care of himself, when he is no nuisance to the public, or when he is in charge of friends, the police will not interfere with him. I may add to that, that I have conceived it to be my duty, both in the police regulations and by orders from time to time, to provide that the police are not on every occasion when there is an infringement of the letter of the

law to interfere with persons who are slightly inebriated, or in any other respect guilty of a minor misdemeanour."

If then, we consider the number of inebriate persons who escape apprehension, and the number who are addicted to excessive drinking, but do not, while intoxicated, misconduct or exhibit themselves in any public place, the conclusion seems to us irresistible that the proportion of persons, throughout the Colony, who habitually drink to excess, compared with the temperate or abstinent, must reach a startling figure. We estimate the number of our "inebriates," of all classes and of both sexes, to be not less than 5,000,—a proportion which may well cause consternation, not only among our philanthropists but even among those who derive their living from the Drink Traffic.

By "inebriates," we mean persons who, having three or more convictions for drunkenness during any one year recorded against them, commit the offence of drunkenness; also, persons who are in private habitual "soakers" or "tipplers" to a degree which makes them the helpless victims of drink, although they may have never fallen into the hands of the police. "Inebriates," therefore, as we use the term, is larger than "Habitual Drunkards"—that term being generally limited to its conventional meaning under the Vagrant Act.

In connection with this subject, we invite attention to the returns most courteously prepared for our use by the Governor of the Darlinghurst Gaol, Mr. J. C. Read *(see First Appendix*, G. 4, 5, 6, and 7*)*, also to the Returns handed to the Commission by the Surgeon of that gaol *(see Minutes of Evidence, page* 158*)*. From these returns it appears that in Darlinghurst Gaol alone, 5,869 persons were confined during the year 1885 for offences of which drunkenness constituted either the whole or part, and, that of that number, 1,050 were under medical treatment from the effects of drink, and of these last 138 suffered from *delirium tremens*.

From the Returns furnished by the Governor of the Gaol for the same year, it will be found that the number of distinct prisoners committed for "drunkenness" reached 3,235—2,473 males and 762 females, whose convictions within the year ranged from one to twenty.

As the population of this Colony is almost identical in number with that of Victoria, and as the conditions and climates of both Colonies are in many respects similar, it

will not be without interest to compare, so far as is practicable, their arrests for drunkenness, and we are the more impelled to undertake the comparison because the Victorian Government Statist, Mr. Hayter, has stated in his Victorian Year Book for 1885–86, that "in the matter of drunkenness New South Wales far outstrips all the other Colonies of the Group," and that our arrests for drunkenness during a period of five years had been "proportionately more than twice as numerous as in Victoria."*

According to the latest and most authentic information we have been able to obtain, the arrests for drunkenness and offences in which drunkenness was an element was for the year 1886, for the city of Melbourne alone (which contained a resident population at the end of the previous year of 69,774), 10,524. For the same year the arrests for similar offences were in the Metropolitan District of this Colony 15,741; but that district contains a population of 323,180. As we cannot ascertain the arrests for the city of Sydney alone, accurate comparison of one city against the other is not possible, but in the face of the figures we quote, it is difficult to understand how Mr. Hayter could have arrived at the conclusions above referred to. Of course, it must be remembered that Melbourne, like Sydney, has a population for the purpose of drink statistics far larger than its "resident" population, perhaps twice as great.

But comparison of arrests is made impossible between the two cities, because the returns of the various divisions of Sydney in no way correspond with those of Melbourne; and, although a man may be arrested in Melbourne as in Sydney for being drunk in a public place, yet it does not appear that offences under the Vagrant Act, in which drunkenness is a factor with us, are in the Victorian returns included in the "Arrests for Drunkenness."

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* "In the matter of drunkenness, New South Wales far outstrips all the other Colonies of the group in which the offence is distinguished, the arrests for drunkenness there in the last five years having been proportionately more than twice as numerous as in Victoria, which being almost invariably at the bottom of the list, may be set down as the least inebriate of the Australian Colonies. In this respect, however, the year 1884 was an exception to this rule, Victoria having then had a higher proportion of arrests for drunkenness than New Zealand, South Australia, or Tasmania; whilst on the other hand, South Australia, which had for some years prior to 1883, occupied the next highest position to New South Wales, fell, in 1884, below all the Colonies, except Tasmania. In the following list the Colony in which the largest number of inebriates was brought before magistrates is placed first, and that in which the number was smallest last.

Order of Colonies in reference to apprehensions for drunkenness in proportion to population, 1884.

1 New South Wales. 3 Victoria. 5 South Australia.
2 Queensland. 4 New Zealand. 6 Tasmania."

Hayter's Victorian Year Book for 1885-6, p. 605.

And yet, although we are unable to state definitely that Mr. Hayter is mistaken in his estimate of the drunkenness of this Colony, it would be a remarkable fact if it were true that, of two Colonies resembling one another so nearly in population and other conditions, and consuming almost exactly the same quantity of liquor per head of population, one should, nevertheless, be statistically twice as drunken as the other.

Unfortunately we are unable to bring our returns of arrests for drunkenness into comparison with those of any other Colony, because the data of comparison are not forthcoming, and in many cases the arrests for ascertained areas and populations have not been dissected so as to show what proportion is attributable to "drink offences."

Compared with towns of similar population and conditions (as far as they could be similar), Sydney is unquestionably more statistically "drunken" than most cities in the United Kingdom, but not quite so drunken as Liverpool, and not nearly so drunken as Limerick.

Before leaving this subject we would urge upon the Government the propriety of improving our statistics of drunkenness by providing that they should be collected for Licensing Districts and not for other divisions of the Colony.

THE CLOSING OF PUBLIC-HOUSES ON SUNDAYS—BUSINESS-HOURS ON WEEK DAYS, &c.

We pass next to questions connected with the closing of public-houses. Upon the subject of Sunday closing many witnesses have been examined, and though the evidence obtained from them is often singularly conflicting, the Commission have no difficulty in arriving at a definite recommendation. And, first of all, it must be observed that the administration of the law, as it stands, is most unsatisfactory, and that its provisions meet with wholesale evasion on the part of a large majority of the publicans. From the police evidence we gather that, out of a total of 822 holders of publicans' licenses within the Metropolitan Licensing District in the year 1885, only about 193 observed the law, and that a Sunday traffic in drink was systematically carried on by the remainder. It is not pretended that this result is due to any lack of watchfulness or energy on the part of the police; it proceeds from the adoption by the

publicans and their customers of methods which render the detection and conviction of offenders a matter of extreme difficulty. From the evidence of the publicans examined, we find them openly admitting that the law is evaded, while asserting that they are obliged to deceive the police and must sell on Sundays to prevent a falling-off in their week-day trade. To effect this end they have recourse to the employment of scouts who watch the police and give warning when they are in the neighbourhood. Other methods are the admission only of regular customers and their friends, the use of pass-words, and the formation of clubs with a merely nominal subscription. It has also been found that persons are admitted as lodgers on payment of 1s. for a bed which they do not occupy. With this state of things it is very difficult for the police to deal. Warning having been given, their admission is delayed as much as possible, and sufficient time obtained as the witnesses express it, for "putting things straight." Persons found upon the premises fraudulently represent themselves as being lodgers or inmates, and there can be no doubt that a vast amount of perjury is committed in order to avoid conviction. But notwithstanding these conditions, it is considered that the strong current of evidence is against making any change in the law in the direction of Sunday opening. The witnesses who have been examined include not only persons occupying official positions, and who may be regarded in some sense as experts, but a number of representatives of the working-classes, of the clergy, and of brewers and publicans. By the advocates of Sunday opening it is alleged that the present state of the law conduces to drunkenness and a far larger consumption of alcoholic liquors than would take place if the houses were opened for a limited time on Sundays. It is asserted that, at present, men take home on Saturday evenings a far larger quantity of liquor than they require, and that the sales on Saturday nights are very large. It is also stated that in this way the evil of intemperance ceases to be confined to the men themselves, but spreads to their wives and families. On the other hand, it may be remarked that the evidence in support of these statements is not very strong; and that it rests principally upon the experience of a class who could hardly be expected to speak without strong, though perhaps unconscious, bias.

A further claim for a relaxation of the law is based upon the sense of a grievance among the people. It is said to be very hard that the poor man cannot get his dinner beer

freshly drawn on Sundays, and that he must either go without it altogether or drink it in a flat and stale condition. It may be admitted that the law works a certain amount of hardship in a matter of this kind, but it appears that the inconvenience felt is not of a serious nature; and if the statements to which allusion has been made, with regard to home consumption, be correct, it is obvious that the working-classes are not in fact prevented from providing themselves with a sufficient supply for their Sunday needs. It will also be seen from the epitome of the evidence of members of the working-classes that this is not seriously put forward by them as a hardship.

It is next alleged that, in addition to an increase of home drinking, the entire closing of the houses causes a consumption of liquor by persons improperly upon licensed premises, which largely exceeds that which would take place if the houses were open during certain hours. It is said that those who enter remain and continue to drink when otherwise they would leave the house within a reasonable time. We do not find that there is much direct evidence of these facts. They appear to rest principally upon conjecture, and conjecture generally concerning the probable conduct of unknown persons under a different set of conditions. It appears to be impossible to say that the persons who at present remain for a long time drinking upon licensed premises would give up the practice if the houses were open for a few hours during the Sunday. It seems more reasonable to believe what has, indeed, been to some extent borne out by experience, that they would come upon such licensed premises if they were permitted to be opened, and remain there as much as at present during the hours of closing. For the affirmative reasons given above, it has been recommended by certain witnesses that there should be a change in the law.

There remains another evil to which allusion has been already made, but which must be regarded from the point of view of general rather than of special considerations. It is the objection to the present state of the law, which is founded upon its undoubted liability to be set at naught and defied, and its tendency to promote or to cause systematic law-breaking. It is impossible to ignore the fact that we are here brought face to face with an evil which, undoubtedly, exists very widely, and the question whether a change ought to be made in the law, and the direction of that change, will depend upon whether the general good

effect of the present Act outweighs an admittedly unfortunate result that accompanies it.

In considering this question, it becomes necessary to shortly review the general effect and weight of the whole evidence. As has been said, in endeavouring to come to a conclusion, we have taken the evidence of various classes of witnesses, and the effect of their testimony may be briefly summarized. The evidence of the police must be taken to be, on the whole, adverse to any relaxation of the law. The Inspector-General of Police seems favourably disposed to a limited Sunday sale of liquors, though admitting that it would be a retrogressive step, while the evidence of Inspectors and Sub-Inspectors is almost unanimously against any opening of licensed houses on Sundays. The Stipendiary and Deputy-Stipendiary Magistrates, on the other hand, are for the most part favourably inclined towards opening the houses for a limited number of hours, chiefly with the view of destroying the present custom of secret and illegal sale; and the Comptroller of Prisons also would welcome a modification of the present law. The clergy are, without exception, opposed to the sale of liquor on Sundays, and the brewers and publicans are almost to a man in favour of it. It may be suggested that the evidence of both these classes of witnesses is liable to unconscious bias. The opinions of one or two witnesses possessing an extensive knowledge of the Colony appear to be about equally balanced; and there remains only the testimony of individual members of the working-classes. We regard the evidence of this kind of witnesses as of the greatest value and importance; they belong to the class which is most directly concerned in any retention or alteration of the present law; and they are in a position to speak from practical experience of the habits and desires of their fellows. As has been stated, a large number of these witnesses have been examined, and with the consequence that a good deal of conflicting testimony has been given. No other result, indeed, was to be looked for, and in weighing the value of the evidence considerable difficulty has been experienced. We have, however, no hesitation in stating that, whatever the views of other classes may be, the evidence and opinions of the working-classes, as presented to us, are in favour of completely closing public-houses on Sundays, as at present. It is true that numerically considered the testimony in favour of a change is strong; but when due regard has been given to the position and representative

character of those witnesses who are opposed to Sunday opening, it will be found that the balance of the working-class opinion is as has been stated.

The conclusion of the Commission, therefore, is that a sufficiently strong case has not been made out for recommending any change in the law in the direction of relaxing its prohibition of Sunday drink traffic.

It remains to consider whether the particular evil of evasion of the law carries with it sufficient weight to override the general conclusion arrived at from the evidence. And upon the answer to this question it must depend whether it should be recommended that the law should (1) be repealed or (2) made more stringent. We believe that the effect of the law as it stands has been, on the whole, beneficial, and that there is no general desire for any relaxation of its provisions. We believe that, in spite of any evils which may attend its operation, it possesses an educative tendency, and that it is largely a question of time to bring public feeling into more complete harmony with the prohibition of the sale of liquors on Sundays. The introduction of any prohibitive law is certain to be met by a good deal of opposition at first, and any loophole which may be left will be taken advantage of to avoid its operation. But it is believed that, as people become accustomed to it, the present opposition will diminish, and that any movement in the direction of giving way to the malcontent section of the community would be a retrograde step in legislation. It is admitted on all sides that the traffic in alcoholic liquors is of a kind which should be discouraged as far as possible, and that every method which can prudently be adopted for throwing obstacles in the way of the sale of them is a step distinctly in advance. Therefore, having got so far as to prohibit the sale of liquors upon Sundays—a prohibition which we cannot regard as entailing serious hardship upon any class—we are unwilling to go back to a condition from which it might require years of fresh education and agitation to again escape. We must on the other hand recognize the undoubted existence of widespread and systematic law-breaking. It is alleged that this is due to the present stringency of the law, and that it would disappear if the law were so far relaxed as to allow of licensed houses being open for a certain number of hours on the Sunday. But it is very far from certain that any material improvement would result from the alteration proposed. We are not disposed to believe that permission to obtain drink at stated times on the Sunday would have the beneficial effect

claimed by its advocates, while we are convinced that it would be taken advantage of to carry on a drink traffic at uncertain hours throughout the day. We believe the present law to have had a beneficial operation; and, further, we claim that the people are gradually becoming accustomed to it, and that no sufficient case has been made out for its repeal.

There remains the consideration of other methods for checking the evil which results from evasion of the law. It has been remarked that we have two alternatives. The law can either be relaxed so that there shall be no temptation to break it, or it can be made more stringent, so as to assure the more easy detection and conviction of offenders. We have expressed our unwillingness to do anything in the direction of the first of these; but, as regards the second, we are disposed to think that our law might with advantage be brought into harmony with that which obtains in England in the case of persons found upon licensed premises during prohibited hours. Under the law at present existing in New South Wales, persons found upon licensed premises at unlawful times can only be dealt with if caught in the act of drinking or taking away drink. The English Act (the Licensing Act of 1872) contains the following provisions:—

Penalty on person found on premises during closing hours.

25. If during any period during which any premises are required under the provisions of this Act to be closed any person is found on such premises he shall unless he satisfies the Court that he was an inmate servant or a lodger on such premises or a *bonâ fide* traveller or that otherwise his presence on such premises was not in contravention of the provisions of this Act with respect to the closing of licensed premises be liable to a penalty not exceeding forty shillings.

Any constable may demand the name and address of any person found on any premises during the period during which they are required by the provisions of this Act to be closed and if he has reasonable ground to suppose that the name or address given is false may require evidence of the correctness of such name and address and may if such person fail upon such demand to give his name or address or such evidence apprehend him without warrant and carry him as soon as practicable before a Justice of the Peace.

Any person required by a constable under this section to give his name and address who fails to give the same or gives a false name or address or gives false evidence with respect to such name or address shall be liable to a penalty not exceeding five pounds.

Every person who by falsely representing himself to be a traveller or a lodger buys or obtains or attempts to buy or obtain at any premises any intoxicating liquor during the period during which such premises are closed in pursuance of this Act shall be liable to a penalty not exceeding five pounds.

It will be observed that these provisions throw upon the person found upon licensed premises during prohibited hours the onus of showing that he was lawfully there. It is diffi-

cult to imagine that their operation could be attended with any hardship; they would not relieve the publican from his special liability; and they would greatly diminish the temptation to the commission of the perjury which, it is certain, is so largely committed under the existing law in this country. At the present time it is to the interest of offenders to support the statements of the publican by every means in their power. The burden of proof is cast upon the police, and it is almost impossible to obtain evidence as long as the publican and those found upon his premises support one another. Under the provisions suggested, however, the community of interest would be largely diminished, and, in the majority of cases, it would be very difficult to manufacture the kind of testimony which would be required to demonstrate the innocence of the parties accused. The Commission believe that if the law were strengthened in this way the chief objection to it, which exists in systematic evasion, would be minimised, and that the advantageous effects of complete Sunday closing might be retained without much danger of their being accompanied by the objectionable consequences which are at present put forward as reasons for returning to the practice of allowing licensed premises to be opened on Sundays.

The time at which licensed premises should be compelled to close during week days is a matter which requires but brief notice. From the evidence before us, we believe that we have little to do but express our satisfaction at the success which has followed the adoption of the early-closing clauses of the Act. The testimony of the Inspectors and Sub-Inspectors of the Police points to a striking improvement in the condition of the streets; we are told that when the public-houses were kept open till 12 o'clock, the streets were not quiet before 2 or 3 in the morning, but that now very few people are about after 12 o'clock. There has also been a marked diminution in the number of drunkards in the streets at night. The Stipendiary Magistrates also testify to the benefits of 11 o'clock closing, though some among them would not be averse to a relaxation of the law in particular circumstances. The other witnesses examined have also expressed themselves in favour of early closing and there has been no considerable objection to the present hours except on the part of some of the hotel-keepers who desire an extension of the present hours. Bishop Barry, on the other hand, would prefer that the houses should be closed at 10 o'clock, and a few other witnesses desire to see adopted an earlier hour for closing than 11, particularly as regards

the suburbs. Allowing, however, for individual preferences, we may say that the evidence before us points to the fact that the present hours are found to work satisfactorily. Cases of hardship may occur, and we shall presently speak of a class which may deserve special consideration. But the general good effect of the present hours is so well marked that we do not desire to see any immediate change in them. It is stated that there are occasionally complaints on the part of persons frequenting theatres that the hour of 11 prevents them from obtaining necessary refreshment, but it is believed that cases of inconvenience are not sufficiently numerous to make it advisable to provide for them by allowing special privileges in the case of theatres and other places of amusement. The public are accustomed to the present hour of closing, and we do not desire to see any return, however small, to older conditions. On the other hand, we believe that it would not be advisable to further shorten the hours during which the sale of liquors is permitted. The public have accepted 11 o'clock, and are now familiar with it; any discontent which was felt at first has now died away, and there is a quiet acquiescence on the part of all classes. But if we should endeavour to introduce a still earlier hour for closing, it is probable that much of the good now effected would be destroyed. Discontent would be aroused, and the present acquiescence would very likely be exchanged for a resistance to any measure introducing any further limitation, which might lead to a demand for an extension of the hours at present in force. The present hour—11 o'clock—appears to work satisfactorily, and with a minimum of hardship; the people seem to be satisfied with it; and we see no reason for recommending any change.

But in one direction we believe that the hours during which the sale of liquors is allowed might be extended. Allusion has been made to a particular class who undoubtedly suffer a good deal of hardship under the present regulations. The market-gardeners and others, whose business occupations oblige them to bring their goods into Sydney at a very early hour in the morning, must be admitted to suffer great inconvenience from the fact that they are unable to obtain necessary refreshments at the end of what is often a long and fatiguing journey. These men must leave their homes during the night, and in many cases they have to travel many miles in order to deliver their goods at the Sydney markets. They are exposed to all kinds of weather, and often have to wait about for many hours on

arriving at their destination. In the English Licensing Act already quoted provision is made for these persons under the following sections :—

Exemption from closing by order of local authority in respect of certain trades.

26. The local authority of any Licensing District upon the production of such evidence as such authority may deem sufficient to show that it is necessary or desirable to do so for the accommodation of any considerable number of persons attending any public market or following any lawful trade or calling may grant if such authority think fit to any licensed victualler or licensed keeper of a refreshment house in respect of premises in the immediate neighbourhood of such market or of the place where such persons follow such lawful trade or calling an order exempting such person from the provisions of this Act with respect to the closing of his premises on such days and during such time except between the hours of one and two of the clock in the morning as may be specified in such order.

The holder of an order under this section shall not be liable to any penalty for not closing his premises on such days and during such time as may be specified in such order but he shall not be exempt from any other penalty under this or any other Act or otherwise.

A notice in such form as may be prescribed by the local authority stating the days and hours during which the premises are permitted to be open under such order of exemption shall be affixed and kept affixed in a conspicuous position outside the premises and if the holder of the order of exemption make default in affixing or in keeping affixed such notice in manner aforesaid during any part of the time for which his exemption is granted he shall be liable to pay a penalty not exceeding five pounds.

Every person who keeps affixed to his premises any such notice when he does not hold an order under this section shall be liable to a penalty not exceeding ten pounds.

Any local authority as aforesaid may at any time if it seem fit to them withdraw an order under this section or alter the same by way of extension or restriction as such authority may deem necessary or expedient so however as not to render any person liable to any penalty for anything done under such order before the holder was informed of such withdrawal or alteration.

It may be contended that a provision by which liquor could be sold to particular classes would be liable to abuse by persons not belonging to those classes; and it is possible that in isolated instances the privilege might be abused. But it is hardly probable that any considerable proportion of those compelled to leave the houses at 11 o'clock would wait about until half-past 2 or 3 o'clock, or such other hour as might be appointed. The concession, moreover, is capable of being fenced about with considerable safeguards. Provision might be made by which persons frequenting the places appointed should be liable to a penalty if it were shown that they did not belong to the classes specified, and that the landlord, on proof that he had knowingly supplied such persons with liquor, should be liable to the forfeiture of his license for a second offence. In a community such as ours it is probable that *bonâ fide* customers would be easily distinguished from those who had no right to use the

houses selected to enjoy this privilege. These would be few in number, and the privilege itself would be sufficiently valuable, and the punishment for any abuse of it so considerable, that the landlords themselves would find it to their interest to observe the required conditions. It is not proposed that the special license should be granted to more than one or at most two houses; the hours appointed would not exceed two; and under the circumstances it is probable that the resulting good would outweigh any evil which might be incidental to the suggested privilege.

PRIVATE BARS.

There are, we are told, in September, 1887, no fewer than ninety-four private bars in Sydney, of which eighteen are upstairs bars and seventy-six are on the ground floor—they are all 6d. bars, but it is impossible to distinguish them by any criterion of respectability. Probably, at least three-fourths of them belong to the class of bars which we think ought to be suppressed as providing illicit incentives to drunkenness or because they are disreputably conducted. None of the witnesses examined have been found to speak favourably of this latter class, or to advocate their continuance, while the immense consensus of opinion has been most strongly in favour of abolishing them altogether. The bars to which we would now draw special attention are not of the kind which is known as the private bar in respectable hotels and restaurants. They are not under the direct control of the holder of the license, nor are those who serve behind them in any true sense in his employment. The system, in fact, is nothing but a fraudulent extension or expansion of the publican's license. The method which is adopted is to provide a separate bar in some room in the house, generally upstairs, though sometimes on the ground floor, wholly distinct from that portion of the building devoted to legitimate trading; and according to the evidence there are sometimes as many as three of these additional bars in a single house. They are usually served by two and sometimes three women or girls, who are neither the agents nor servants of the proprietor of the house, but in reality sub-lessees. Sometimes one woman rents the entire bar, and employs the others as assistants; in other cases the business is shared by two or more who work it as partners. The rents which they pay are exorbitant, ranging from £5 to £10 a week,

and even to higher rates in particular instances, and in some cases the publicans are actually dependent upon these female sub-lessees for the payment of their own rents. The furniture and fittings of the bars are described as being very poor in spite of the high price which is charged for them, and they are said to be dirty and mean in general appearance. There is usually a room connected with or attached to them, and this is furnished with a sofa, a table, and a few chairs, while in some of them there is a piano. In other cases where the room is large it is divided into two parts by a partition, and in this way a second room is obtained. In the bars no stock of liquor is kept, the practice being to obtain it by the bottle from the landlord's bar as required; it is then retailed at the price of 6d. a glass; the glasses are small and the liquor is usually inferior in quality. There can be no question that these bars are not frequented for the purposes of legitimate refreshment. The chief attraction would appear to be the women by whom they are kept, and these as a rule are persons of gay appearance and doubtful character, though they do not appear to be known as prostitutes to the police. The women who keep these bars generally reside out of the house; they have as a rule a circle of acquaintances who are well known to them, and these frequent the bars and introduce friends. Among the ordinary customers at these bars are to be found men of all ages and classes; some of them are said to be frequented by supers and ballet girls from the neighbouring theatres, and it is believed that in several cases they are very little if any better than houses of assignation. The majority of the customers, however, appear from the evidence to be young men.

Of the evil influence of these bars there can be no question. Their real attraction is one which should not be permitted to co-exist with a license to sell liquor. That attraction, of course, is the women by whom they are kept, and it cannot be doubted that if they were conducted by men the inducement to frequent them would be gone altogether. It has been brought to the knowledge of the Commission that a system of "shouting" is cultivated by the females who preside at these bars, which is, perhaps, peculiar to them and shows one of the objects for which they have been established. The customer is frequently challenged to "stand something" for the good of the house. He does so as a matter of course, and a small bottle of champagne, the favourite call, is produced. The "shouter," perhaps, takes a sip, and the "shoutee" another sip, and the rest is furtively discharged

into a sink, bucket, or other receptacle. In this manner "consumption" goes on satisfactorily to the holder of the license, and without intoxicating the female sub-lessees.

The existing difficulty in dealing with these places arises from the impossibility of proving the relations between the proprietors and the women to whom they sub-let portions of their licensed premises. It appears to be the regular custom for the women to pay a weekly rent to the landlords; but the latter take a receipt from them for wages and are thus enabled to pass them off as servants. Some special provision, therefore, is required if anything is to be done to check what almost every witness has without qualification spoken of as a great evil. Two or three courses may be pursued with regard to these bars. Upstairs bars may be abolished altogether; the number of bars allowed in any licensed house might be strictly limited, and of private bars particularly; or the services of women in bars of the kind contemplated might be forbidden altogether. The Commission are disposed to believe that the preferable course would be the complete abolition of upstairs bars. It has been amply shown that they present opportunities for abuse that are not afforded by bars situated upon the ground-floor. The magistrates, the police, the clergy, and, amongst others, respectable licensed victuallers, are unanimous in objecting to them. They are admitted on all sides to be mischievous in their tendencies, and the more dangerous that their situation renders proper inspection almost impossible. It has hardly been even suggested that they meet any legitimate want; while it cannot be doubted that the large majority of them are nothing better than a fraud upon the licensing laws. They do not in any way resemble the private bars which are commonly established for the division of two classes of customers; and the Commission do not see that any hardship could follow from the total abolition of them. Provision could without difficulty be made to meet the special cases of theatres and places of public resort; but it is believed that the cases in which the regular upstairs bars are commonly respectable are too rare to affect in any appreciable degree the average character of these places.

We recommend therefore, as a simple method of dealing with this question, that the principle of single bars should be adopted, with a provision that the Licensing Court may, in cases of proved exceptional public need, grant a licensee the privilege of a second bar—the privilege to be fenced round by proper safeguards and conditions.

In concluding this the First Part of our Report we desire to express our deep sense of the zeal, accuracy, and unflagging industry of our Secretary, Mr. C. R. Burnside; as also of the punctual and courteous attention of the Parliamentary Shorthand Staff to our somewhat exacting requirements. We also desire to thank the Collector of Customs, the Government Analyst, the Government Statistician, and all other Government officials for the valuable assistance they have given us in the course of our investigation.

Certified under our hands and seals this 20th day of September, 1887.

(L.S.) ALEXR. OLIVER, *President.*
(L.S.) JOHN DAVIES.
(L.S.) S. H. HYAM.
(L.S.) JOHN ROSEBY.
(L.S.) NINIAN MELVILLE.
(L.S.) ROBT. FOWLER.

EPITOMES OF THE EVIDENCE.(*)

[Quality of Liquors.]

Mr. Hamlet states that the majority of whiskies, brandies, and gins are made up of silent spirit, flavoured with various essences; but that the quantity of essence used is so small that chemistry is unable to detect it; that fusel oil is present in all new whiskies; that in a few years it becomes decomposed by the action of the wood into volatile ether, and is then innocuous; that it adds flavour to the whisky; that these essences would be so diffused in the manufacture of brandies, whiskies, and gins that any deleterious elements they might contain would be rendered innocuous; that one grain of fusel oil in 2 ozs. of wine would exert a deleterious influence on a man; that liquors manufactured from the essences before the Commission are innocuous; that the habit of drinking liquors made from these essences would be pernicious, but no more so than the habit of drinking ordinary liquors not made up from them; that liquors made up from these essences would produce no more cravings for drink than wholesome liquor; that the craving caused by excessive drinking is a part of the physiological action of alcoholic mixtures; that the first effect of alcohol upon the system is to cause an increased circulation of the blood in all parts of the body, and to increase the excitement of the motor nerves, this is accompanied by hot flushing of the face and extremities, and followed by decreased temperature of the body; one of the properties of alcohol is that it will unite with water, in passing through the blood it absorbs the water and causes a certain dryness, a common experience with the drunkard; that it affects the whole system after a time; that it shows its effect on the stomach in a most marked way; that the effect of beer drinking is to create worse results on other organs, —the liver and the kidneys; that the presence of fusel oil even in small quantities is deleterious.

4,186-90; 4,200, 4,204, 4,206; 4,224, 4,228-31 4,235. 4,250.

* In addition to the opinions epitomized under this head, there is much valuable evidence in the Minutes which has been dealt with in the Report, but which could not be conveniently epitomized.

4351-3, 4361-4, 4415-20, 4430, 4443, 4460. *Mr. Watt*, Government Analyst, states that in no case has he ever been able to recommend a prosecution for adulteration; that fusel oil is a natural part of spirits, and therefore cannot be considered an adulterant; that fusel oil is in itself deleterious; that one grain of fusel oil taken in a certain quantity of spirit at one time would be injurious; that 2 ozs. of spirit at one time would be, he considers, a large quantity, but that it depends greatly on the individual; that fusel oil is converted by age and disappears; that it is not absolutely known what becomes of it; that it is much more difficult to detect the fusel oil after the white spirit has been made up into brandy or whisky than before; that none but the purest white spirit, free from fusel oil, should be permitted to be imported; that the essences have been made to represent what is found by analyses in liquors, and that if they are used with pure alcohol the result will be, as good a spirit as can be reasonably expected; that the low class liquors would be no more injurious than any other alcohol.

117-119, 205-213, 243-247. *Mr. Fosbery*, Inspector-General of Police, when examined as to the operation and results of the Licensing Law in suppressing adulteration and the sale of adulterated liquor, says that immense numbers of samples had been taken under all sorts of circumstances; they had been purchased by the Inspector where it was supposed the lowest class of liquors would be sold, and the Government Analytical Chemist had carefully examined them, but (Mr. Fosbery thought) not in one instance had he found any deleterious ingredients such as would warrant a prosecution under the law; that the spirits are frequently of a coarse and inferior character, as is not to be wondered at when we are told that you can purchase whisky at 2s. 6d. a gallon. It is a coarse common spirit, but it does not contain any ingredient which would be deleterious, except as all spirits are deleterious. It seems that it is not worth while, as it was in former years, to doctor up spirits; They are sufficiently potent without adulteration to increase their strength.

[Quality of Liquors.]

Inspector Anderson does not believe that there is much adulteration, but considers that much of the liquor sold is immature and contains fusel oil, and that the brandy imported is of a very inferior quality. 441-6.

Inspector Waters considers that a great deal of very inferior spirit is imported; that the police get possession of bottles containing spirits and often have great difficulty in deciding whether the contents are gin, rum, brandy or whisky; does not think there is much adulteration carried on, but that the liquors are very inferior. 621 2.

Sub-Inspector Atwill states that complaints are often made to the police about the inferior quality of the liquor sold, but that nothing deleterious has been found on analysis of it. 1204.

Sub-Inspector Cotter states that no complaints as to the quality of the liquor have been made to him except by those suffering from *delirium tremens*, who always attribute their condition to the quality and not the quantity of the liquor consumed. 1431-2.

Sub-Inspector Potter's experience was of a similar nature to that of the last witness. 1759.

Sub-Inspector Lenthall, on the other hand, declares that complaints are frequently made to him about the quality of the liquors, and that he has in consequence often taken samples from the houses mentioned by the complainants; that it would not pay the publican to buy good brandy and then manipulate it when he can buy it ready-made at 3s. a gallon; this liquor is rough, raw, crude spirit, and in his opinion causes one-half the drunkenness in the city; he believes the greater portions of the cheap liquors sold are what are known to the trade as "mixing liquors"; that they are purchased by the wholesale wine and spirit merchants, and brewers who hold spirit licenses, and are blended with other liquors slightly superior, and then sold to the publicans; that liquors are sold under fictitious labels, the bottles of good liquor being emptied in the 6d. bars, and then filled with cheap draught liquors and transferred to the 3d. bar. 1943-51

[Quality of Liquors.]

2547-8. *Mr. Marsh, S.M.*, thinks that the bad quality of the liquor sold is the secret of the drunkenness throughout the country; that the publicans, especially in the country, are no judges of liquor, and sell anything sent to them; that he has often had complaints about it made to him in the country, but not in Sydney; that not only are the wines and spirits adulterated, but the beer too, which often contains tobacco and other deleterious substances.

2664-7. *Mr. Buchanan, S.M.*, thinks most of the liquor sold in the country is atrocious; that evidence of it could be obtained if clever men were employed for that purpose; has heard that some publicans keep mixtures for the purpose of stupefying their customers.

2890-2. *Mr. Addison, S.M.*, considers the quality of the liquor sold to be bad; thinks that a great deal of white spirit is used in its manufacture; that the Colonial beer is good as far as it goes, although that may not be saying much for it; that it causes a great deal of drunkenness; and that nearly all the men brought before him for drunkenness get drunk on Colonial beer.

3343. *Mr. Yates, D.S.M.*, says that complaints have been made to him of the quality of the liquors sold; that he has often expressed it as his opinion that it is the quality and not the quantity of the liquor which causes the drunkenness; that no case of adulteration has come before him officially.

3672-3. *Canon Rich* has heard complaints about the quality of the liquor sold; it is described as poisonous and as having the effect of making people unconscious of what they are doing.

3798. *Dr. O'Connor*, Surgeon of Darlinghurst Gaol, is of opinion that a great deal of drunkenness is attributable to inferior or adulterated liquors.

3909-10. *Mr. Fowler*, Superintendent of the Receiving House, thinks that the liquor sold in low houses is bad; that it is generally new, raw rum that has such a bad effect on the people who drink it.

4599-600. *Dr. MacLaurin*, Medical Adviser to the Government, thinks the safest form in which to take alcohol is good wine or brandy made from the juice

of the grape; that in whisky, except it is very old, there is always, more or less, fusel oil, which is most injurious, that in the case of white spirit distilled from potatoes, it is almost impossible by any amount of distillation to get rid of the fusel oil; and he doubts if even age wholly eradicates it; that he is told that some of the brandies and whiskies imported, are merely white spirits doctored up so as to represent brandy and whisky; that a great deal of adulteration takes place in them before they arrive here, and that nothing could be worse than such spirits.

Dr. Mackellar, M.L.C., late Medical Adviser to the Government, considers that the liquors sold in the Colony are remarkable for the fact that fusel oil is largely present in them; that it is very deleterious, and the chief cause of disease; that crude and young spirits are also very pernicious. 4750-4.

Rev. J. D. Langley has come in contact with some shocking instances of the effect of adulterated liquor in cases where drugs have been used. 5675-9.

Mr. Toohey, M.P., is certain that there is a great deal of adulteration carried on; that liquors are sold by some persons for less than they can be imported for—thinks these liquors consist of white or silent spirit flavoured here; having been so informed by the travellers of the firms who carry on that trade —is of opinion that brewers and publicans do not use the essences for the manipulation of white spirits; that it is done by some of the wine and spirit merchants or some other class of middleman. 6271.

Mr. Weale, Secretary to the Amalgamated Licensed Victuallers Association, knows of no adulteration, but often when visiting houses on the business of the Association has tasted very inferior liquor. 6530-1.

Mr. Thompson, Wine and Spirit Merchant, late president of the Amalgamated Licensed Victuallers' Association, thinks that there is such a marked difference between good and bad liquor that no adulteration is necessary by a man who sells bad liquor to compete successfully with one who pays for good liquor; that a great many of the small 6750, 6805.

houses are supplied with very inferior liquor, but can make no suggestions for preventing its importation, that being a most difficult question.

6967-9. *Mr. Spora* (a licensed victualler), though admitting that he is not much of a judge of liquor, thinks that it is the quantity and not the quality of liquor that makes men drunk.

7247-49, 7255-6, 7268, 7283, 7311, 7314, 7396. *Mr. J. B. North* considers that the liquors sold here are largely counterfeited and doctored; that it is mostly done by the intermediate distributing houses; that a very great quantity of low class white spirit is imported and made into brandy, &c.; that he has personally suffered from the effects of drinking only half a nobbler of bad drink, and has seen some of his men suffering in the same way at Katoomba; from what he has seen believes that a great deal of the drunkenness in this Colony is due to the bad drink sold; that there is a large quantity of bad beer manufactured here; that there would be less drunkenness if better beer were brewed; that it has the effect of creating thirst; that he has been told spirits of wine are used for the purposes of adulteration, but has no positive proof of it.

7423-5, 744 *Mr. Selff* (a licensed victualler), has been supplied with very bad liquor at several houses, and is of opinion that the quality of the liquor has a great deal to do with drunkenness, and that very bad spirits are imported, especially in whiskies.

7582. *Mr. Hunt*, of the "Oxford Hotel," believes that there is some very inferior liquor sold in the low-class houses, and that it necessarily must be so to make them pay.

7660-1, 7673, 7751. *Mr. Watson*, of the "Paragon Hotel," has had bad liquor offered to him at cheap rates—brandy and whisky at 4s. 6d. a gallon, and Lowndes' rum at 3s. 8d. a gallon in bond; says that a man once offered to doctor spirits for him, and also to make cheap spirits; and that he has heard some of his customers complain of the inferior quality of liquors in certain houses.

8037-8. *Mr. Rainford*, of the "Cambridge Club Hotel," has been informed that inferior liquor is sold in some houses, where they sell for 3d.

[Quality of Liquors.]

Mr. Palmer, J.P., is not aware of inferior liquors being sold, and observes that analysis has only shown them to be weak. 8106-7.

Mr. Roberts, of the "Crown and Anchor Hotel," has no doubt that there is a great deal of bad liquor sold; has never met a "doctorer" of spirits, but believes they exist; says that one man complained about some of his whisky having copper in it; upon which he had it analysed by Mr. Watt, and a minute quantity was discovered, attributable to the distillation worm. 8210.

Sir John Robertson is not aware that very inferior liquor is sometimes sold; but thinks that no raw, immature spirit should be allowed to go into consumption. 8333-4.

The evidence of the representatives of the artizan classes was to the following effect:—

Mr. Pemberton has heard complaints about the adulteration of liquor, and he has known men pass a public-house and go to the next, because they thought they could get better liquor there. 8633-4.

Mr. R. Riley is sure that a great deal of adulteration is carried on; has called for drinks and then been unable to drink them because they were so bad; knows bad from good liquor, having been working in a wine and spirit store for nearly a year; has been told by persons in the employment of wine and spirit merchants that spirits are doctored, and that the publican sometimes does it. 8999, 9000-7.

Mr. Watson considers that the beer now sold is inferior to what was sold seven years ago; that the fact of a house being "tied" does not compel a publican to sell inferior liquors; that he has known of forged brands; that inferior liquor is sold under certain brands and capsuled here; has heard of spirits being doctored. 9575-9.

Mr. Hannon thinks a great deal of bad liquor is sold here; that it is adulterated, as it is impossible to sell good liquor for the price usually paid, 9651-9.

Mr. Long has heard complaints of inferior liquor being sold, and of its rapid effect on the system. 9778.

9987-82. *Mr. Gordon* thinks a great deal of adulterated and spurious liquor is sold; that on one occasion a friend of his was rendered helpless by one glass of rum at Hurstville; that that rum must have been adulterated, or else it was a very inferior spirit.

9977-9. *Mr. Snell* has heard people complain that in some houses they are served with liquor so bad that they don't know what it is meant for.

10302. *Mr. Talbot* has heard men complain of being supplied with bad liquor, and of suffering in consequence.

10411-5. *Mr. Smith* has bought rum, and after keeping it for a day or two has found tobacco in it; has heard many such complaints from others; also that new, raw spirits are sold; has heard men who drink to excess complain that two glasses at a certain hotel have made them sick; that these men could drink five or six glasses at another hotel without any such effect.

10515. *Mr. Graham* has often heard men complain of having been supplied with bad liquor.

10644-8, 10652. *Mr. Davidson* has heard a great number of complaints about bad liquor being sold; that rum and beer are adulterated; that he has noticed men become intoxicated after taking one or two drinks; he has noticed bad effects immediately traceable to inferior liquor.

10999, 11003. *Mr. Melhuish* thinks that some of the liquor sold is very inferior; and that it is adulterated.

11107-8. *Mr. Davis* states that a large amount of inferior liquors is sold; that a little of it had the effect of making him sick.

11198-9. *Mr. H. Ford* has heard men complaining of the spirits and the beer.

11404, 11412-8. *Mr. Williams*, referring to beer, thinks there is poison in the drink; that the effect of it is to stupefy the head without interfering with the legs; has been told that strychnine was put in it; that the effect on him when he has indulged a little too freely is to cause a numbness all over the body; that he has heard others complain of the same thing.

[Quality of Liquors.]

Mr. Beaney has heard of rum being adulterated, but never knew it to be proved. 11578.

Mr. Law considers that very inferior liquors are sold at some of the 3d. bars; that he has known his friends go to special houses, and also wait until they came to a house where they knew they would get good liquor before they would have a drink. 11825-7

Mr. Richardson, Temperance Advocate, believes that adulteration is carried on here to an enormous extent right through the trade; that a short time ago some brandy was seized in Melbourne and condemned as utterly unfit to go into consumption; that no doubt some of the same quality was landed here; that he has no doubt white spirit and methylated spirit are used with water and colouring matter; that by making it here they save the duty; that he has seen tobacco and cigars taken out of rum casks; and that forged labels are extensively used. 12225 122312.

Mr. Atkinson has heard a great many sailors complain of the bad description of liquor which they are served with; that a great number of them would walk right up George-street as far as King-street, and would only go into one or two houses where they knew they would get good liquor. 2556.

Mr. Shearston, Sailor's Missionary, believes that the rum sold is a very inferior class of liquor; that men have complained of pains after drinking it, and that their breath smelt like turpentine or kerosene oil. 12644.

Mr. Simpson states that as far as his experience goes the liquors sold are very bad, and frequently adulterated; that on one occasion he suffered from the effects of taking bad liquor; that in some houses inferior liquor is kept in bottles with first-class labels on them, which have been emptied of the good liquor. 12793-9

Mr. Wagg often hears men complain of the inferior quality of the liquor sold; that in one house in the city, where trade societies meet, the liquor is so bad that the men are obliged to go to a house over the way for their drinks. 2871.

[Crime Attributable to Drink.]

88494. *Mr. Maclean*, Comptroller-General of Prisons, states that a great number (in fact it has been quite a common thing) of prisoners in the gaols tell him that drink was the cause of their crime; that in most cases crimes of violence are especially the result of drink; that a very large proportion of the crime of the Colony is due to drunkenness; that drink is not the incentive in such crimes as highway robberies or burglaries, but that these men generally have orgies at times.

3551, 3556-8, 3585-92. *Mr. Reid*, Governor of Darlinghurst Gaol, in modification of a former statement, considers that the average number of cases of crime due to drink in that gaol is 92 or 93 per cent., not 99, as before stated; that he has come to this conclusion after consulting the officers in the gaol, and also some of the long-sentence prisoners (see Appendix G, *et seq.*, page 508); they obtained their information from personal knowledge of the prisoners, and from what the prisoners' relatives say when they come to see them; that small assaults, petty larcenies, malicious injuries, &c., are all generally caused by drink; that the London pickpocket steadies his hand with a little drink, and when he takes too much he is caught; burglars and bushrangers also often indulge to brace their nerves.

3655-62. *Canon Rich*, Chaplain to the Gaol, states that his experience among prisoners is, that a very great number make drink the excuse for their crime, but that still a large amount of crime is no doubt due to drink, but not to the extent of 90 per cent.; that some cases of crimes of violence, such as manslaughter, burglary, and bushranging are, no doubt, occasionally due to drink; in cases of rape and indecent assaults drink is very often the cause; instances a case of robbery where the man confessed it was the result of a drunken spree; does not consider drink has anything to do with concealment of birth.

5560-75 *Rev. J. D. Langley* is of opinion (formed from experience, when Chaplain of Berrima Gaol for a period of two years) that 90 per cent. of the criminality is directly or indirectly the result of drink; that crimes of violence, such as highway robberies,

are sometimes indirectly due to drink, but not often; that in very many cases of bushranging, burglary, and manslaughter drink is directly or indirectly the cause, as also in cases of rape; that 90 per cent. is the very lowest proportion of criminals whose crime can be traced to drunkenness; that these opinions are the result of observation and conversation with the prisoners; that they would have no object in making drink an excuse; that intemperance is also the cause of a great amount of demoralization and immorality among all classes.

Rev. R. Sellors is of opinion that all over the world a large proportion of crime is attributable to intemperance; also that a very great deal of poverty and home-unhappiness is due to the same cause. 5893-4.

Judge Wilkinson considers that a very large proportion of crime is caused directly or indirectly by drink—that is to say, it either causes the crime or affords the opportunity; does not know the exact proportion, but would be inclined to say over 75 per cent. 5972-3.

Rev. J. Jefferis, LL.D., thinks that a large proportion of crime is traceable to intemperance, but not to the extent of 93 per cent.; that 75 per cent., however, would not be unreasonable. 6111-3

Mr. Weale, Secretary to the Amalgamated Licensed Victuallers' Association, does not consider that a large proportion of the crime of the Colony can be attributed to drink; that statistics often, when showing an increase in drink, show a decrease in crime (not produced); that this happened in South Australia last year. 6711-3.

Mr. Vale, Secretary to the Victorian Alliance for the Suppression of the Liquor Traffic, says with regard to the amount of crime, poverty, and lunacy attributable to drink:—"With regard to that point, I may state that in our City Police Court it is a common thing to have from 1,200 to 1,400 cases of various sorts during a month. About one-half of these would be for drunkenness, or drunkenness and disorderly conduct; the rest would be assaults and robberies, including many robberies from drunken persons. Mr. Call, who is our most experienced stipendiary magistrate, stated a little while ago that 12132.

[Crime Attributable to Drink.]

nine-tenths of the cases which came before him in the City Police Court were directly or indirectly due to drink. Sir William Stawell, our ex-Chief Justice, stated that, from his experience, he thought 90 per cent. of the criminal cases brought before him were due to drink. In regard to the effect of drink in producing poverty, I may say that the Superintendent of our Immigrants' Home has stated that nearly all the cases which come before him are cases of poverty originating in intemperance. Mr. Guillaume, the Superintendent of the Industrial and Reformatory Schools Department, has stated that at least 90 per cent. of the children left to the charge of the State are the children of intemperate parents. In fact, 90 per cent. seems to be the favourite calculation. Roughly speaking, it means nearly all. Opinions differ with regard to the effect of drink in creating lunacy. I have not seen any statement on the question recently, but Dr. Embling, when he was Superintendent of the Yarra Bend Asylum, said that more than 50 per cent. of cases there were connected with intemperance. Dr. Bowie has also set down the proportion at 50 per cent."

[Lunacy Attributable to Drink.]

2252. *Sir Alfred Stephen* states that in June, 1885, out of 2,450 persons confined in lunatic asylums (1,498 males and 952 females), there were 95 males and 42 females confined in consequence of the use or abuse of drink.

3336. *Mr. Yates, D.S.M.*, has been able in many cases to trace the drunkard in the confirmed lunatic.

3788. *Dr. O'Connor*, Surgeon to Darlinghurst Gaol, says that in 1885, out of 351 persons certified insane, 34 of these could be traced to drink.

3861. *Mr. Fowler*, Superintendent of Darlinghurst Reception House, says that three out of every five cases of lunacy are due to drink.

4020-3, 4033, 4086-7. *Dr. Manning*, Inspector-General of Insane, considers the proportion of the *permanent inmates* in the asylums through drink to be overrated; and states that in 1884, out of 2,450 inmates, only 137, or $5\frac{1}{2}$ per cent. were there through drink, that he

believes these figures represent about the proportion of those *permanently in the asylums*, but not of those admitted; that from 5 to 6 per cent. is the daily average of those permanently insane through the abuse of drink; that for the ten years. 1869–78, 3,077 persons were admitted of whom 257, or over 8 per cent. were there owing to drink; for the years 1880–4, 2,392 were admitted, and of these 11 per cent. were due to drink. Dr. H. Major, Medical Superintendent of Leeds Asylum, found from the returns of the Commissioners in Lunacy in England, that between 13 and 14 per cent. are due to drink. Dr. Manning explains that admission to English Asylums is readier than it is here, besides which numbers of temporary cases are treated here in the Reception House and country gaols, which in England would go at once to the Asylums. In 1885, out of 362 cases remanded to the Reception House, 211 recovered there—three-fourths of which 211 cases were due to drink; out of 413 cases in up-country gaols 242 cases were cured in them, fully three-fourths of which were also due to drink; also that the habitual use of alcohol to excess alters the tissue of the brain, but alters more readily the tissues of the liver and kidneys, and from being very seldom able to trace the result of drink in the *post-mortem* room he believes these statistics and opinions to be correct; that it is well known that in England insanity is greater in the south than in the north, although the wages are higher in the north than in the south and more spent on drink; "drink" also is such a short, simple cause, patients too are glad to make the excuse of "drink," as they thereby hope to be discharged sooner; insanity caused by intemperance is more easily curable than that from other causes.

Dr. MacLaurin, Medical Adviser to the Government, does not consider that drunkenness accounts for a *large majority of cases of permanent lunacy*, but states that absinthe drinking (which is hardly known here) produces epilepsy, loss of sense, paralysis, and dementia, and finally leads to hopeless imbecility; that in the case of men with the neurotic tendency to drink, and who give way to fits of 4629–30.

intoxication, the strain on their nervous systems increases until they finally become chronic lunatics, but in the case of men with healthy nervous systems, abuse of drink is more likely to lead to the grave than to the asylum.

4746-9. *Dr. Mackellar, M.L.C.*, late Medical Adviser to the Government, does not consider that drunkenness leads to permanent lunacy to any appreciable extent, that it is not a potent cause of lunacy, but that large numbers of people become drunkards at the onset of insanity, that is to say, that drunkenness is an early symptom of insanity as are numbers of other excesses, and that it is indicative of an excited state of the nervous system, but not in the least a potent cause of insanity.

4945-50, 4959-61, 4963-4, 5027. *Dr. Tucker* considers that insanity causes a strong desire for intoxicants, as well as, that intoxicants cause insanity, it is an effect and a cause; and states that in 80 per cent. out of the 500 to 600 asylums lately visited by him the Superintendents stated that intemperance caused the largest number of cases, but that may include in many places cases of temporary insanity from *delirium tremens;* that the English Lunacy Commissioners state in their Report that drink makes the largest numbers of insane; that *delirium tremens* is the first step, and a repetition of attacks may lead in the end to permanent lunacy; that there are two forms—the first *delirium tremens* and the second dypsomania or permanent alcoholism—the first is temporary and may be cured in a week, the second may take twelve months; that he has never known a woman to recover from dypsomania; that in his opinion at least one-half of the insanity, probably more, is caused by intemperance.

[Gaol Treatment.]

2280-1. *Sir Alfred Stephen* considers the fining and sending to gaol for a short period of drunkards is a farce; that after a third conviction they ought to be sent to some asylum and made to work when the fit of drunkenness has past; that in Paris there are receiving-houses for drunkards, which is a very good thing; that men convicted so many times should be

deprived of the usual rights of a free citizen; that in Russia they are made to sweep the streets; that inebriate asylums would do a great deal of good if the regulations were stringent and carefully acted up to; that the expense to which the drunkards put this country is enormous.

Mr. Macintosh, M.L.C., L.M., is of opinion that the gaols are made too comfortable for the drunkard; that they prefer to be sent there as they know they will be well looked after—better in fact than if they were outside; that some of them prefer to go to gaol to recover from their spree. 2401.

Mr. Marsh, S.M., thinks that the present system of punishing drunkards is most ineffective as regards lessening drunkenness. 2470.

Mr. Buchanan, S.M., considers that the present system of punishment for drunkenness is ineffective; and that the establishment of asylums where drunkards could be compulsorily detained would be a great blessing. 2606.

Mr. Johnson, S.M., considers the present system of punishment has no effect whatever on habitual drunkards; that an habitual drunkard after a number of convictions should be treated as a rogue and vagabond and sent to gaol for a lengthened period, or better still to a reformatory for a year; that nearly half the cases of drunkenness in the Police Courts are those of habituals; that the present system is most expensive; that they should be made to work in the reformatory; that drunkenness should be treated partly as a crime, and the drunkard sent to a reformatory before he degenerates into a lunatic. 2774-8.

Mr. Addison, S.M., considers that the present system is merely filling the gaols without doing any good to the drunkard; he suggests that all first offenders should be brought privately before the magistrates and discharged and not paraded through the streets and put into the dock with criminals as now; that first offenders on bail should be fined 5s. or detained till the rising of the Court; that the present system should stand for second and third offences, and that after three previous convictions offenders should be treated as vagrants and imprisoned without the option of a fine; that old 2873-7.

offenders of confirmed drunken habits should be sent to an inebriate asylum for one or two years, and that they might be discharged during that term (say after six months) on the recommendation of the superintendent and two doctors in the case of decided reformation.

3065-9. *Mr. Fisher*, *D.S.M.*, is of opinion that the present system of punishing habitual drunkards entirely fails to do any good; that they ought (after say six convictions in a few months) to be confined in some separate place (asylum or prison) and made to work for a considerable period.

3326-34. *Mr. Yates*, *D.S.M.*, considers that the present system of punishment for habitual drunkards is not effective; that the offenders ought to be sent in the first instance to an asylum, and, if not reformed there, to a reformatory, and there made to work; that an average of from three to six persons are daily brought before the magistrates, supposed to be of unsound mind, and in nearly every case their condition can be attributed to drink.

3469-72, 3481-7 *Mr. Maclean*, Comptroller-General of Prisons, considers that the present system of punishment for habitual drunkards is altogether wrong; that it simply amounts to recruiting their health, and they return again to their old habits; suggests a system of cumulative punishment; would confine the drunkard sufficiently long to make him do penal work; that Sir J. Martin's Workhouse Bill would deal with the difficulty, as also would a penitentiary; thinks an inebriate asylum and penitentiary could be worked together, and that the cost would be less than under the present system; that it is impossible to reclaim an inveterate drunkard; that they are incapable of doing any but penal labour, which should be given as a punishment and to act as a deterrent to others.

3569-70. *Mr. Read*, Governor of Darlinghurst Gaol, thinks the present system of punishment for habitual drunkards is a ridiculous one; that the gaol is simply a hospital for them, and helps to prolong their lives; that they come back to the gaol over and over again and gain no real lasting good from

it, beyond being enabled to repeat the offence; that a workhouse is necessary for their successful treatment.

Canon Rich considers that the present system of punishment for habitual drunkards is ineffective; that they should be sent to an asylum where they could be kept for a much longer period, and have certain work to perform as a punishment; that they are, however, incapable of doing much work as a rule. 3682-7

Dr. O'Connor, Surgeon of Darlinghurst Gaol, is of opinion that the present system of treating drunkards is no punishment at all; that they are sent to the gaol for medical treatment and do no work, and on their return before the magistrate are discharged, often being locked up again during the next day or two. 3783-4.

Dr. Manning, Inspector-General of Insane, thinks the present system of punishing drunkards is utterly useless; that the gaol and reception-house act simply as a sanatorium for them; that no good is done by the present treatment beyond saving their lives and reason; that a long detention in an inebriate asylum would, no doubt, do much good; that an habitual drunkard should be detained for at least six months, for five of which he would be able to work. 4055-7.

Dr. MacLaurin, Medical Adviser to the Government, does not consider the present system of punishing habitual drunkards has any beneficial results; that a drunkard should not be punished criminally, except for offending against the public peace, not for mere drunkenness; that long restraint and subjection to the will of another would have a very beneficial result. 4611-13, 4652

Dr. Mackellar, M.L.C., and late Medical Adviser to the Government, considers that the present system of punishing habitual drunkards is neither beneficial nor does it act as a deterrent; that the custom of associating habitual drunkards with actual criminals in gaols is very harmful to them, and cannot do any good to those with whom they associate. 4736, 4767.

Bishop Barry considers that the present system of punishing habitual drunkards is bad; that it produces no deterrent or disciplinary effect upon them; 4845.

that the punishment should be heavier, more deterrent, and undoubtedly should also aim at their reformation.

6952. *Rev. R. Sellors*, President of the Wesleyan Methodist Church, considers that the present system of treating habitual drunkards is very unsatisfactory; that they should be sent to some institution where they would not be mixed up with criminals.

6021-2. *Rev. J. Jefferis, LL.D.*, is of opinion that the present system of treating habitual drunkards has no good effect; that an habitual drunkard should be sentenced to a long term of imprisonment, not in a State prison, but in some institution established for the purpose; that they should be subjected to both punitive and remedial treatment.

The evidence of representatives of the artizan classes was to the following effect:—

10880, 19088, 10890. *Mr. Davidson* does not consider the present system of dealing with habitual drunkards a reasonable one; that he would be strongly in favour of their being sent to some institution for a long period, where they should be made to work and help to keep their families if they have any; that they ought to be punished and at the same time made to work.

11011-2. *Mr. Melhuish* considers that a reformatory system would be better than a gaol, and that it would not be an undue interference with the liberty of the subject.

11073-4. *Mr. White* thinks that if it were possible to make arrangements for a drunkard's family it would be better to send him to some institution than to a gaol where they often become worse.

11109, 11113-5. *Mr. J. Davis* considers that habitual drunkards should be treated in some sort of a reformatory; that they should be made to work to support the institution; and also that their families should receive part of the proceeds of their work; that the State should be liable (to the extent of the £30 license fee) for all drunkards in such an institution.

11645-51, 11662. *Mr. Beaney* does not believe in sending habitual drunkards to gaol and mixing them up with thieves and other criminals; thinks that the artizan class would be in favour of habitual drunkards being

[Gaol Treatment.]

sent to a reformatory rather than to a gaol; that they should be made to work in order to help to support the institution and also their families.

Mr. W. Richardson, temperance advocate, considers drunkenness a disease akin to insanity, and not a crime; that habitual drunkards should not be sent to a gaol, but to a hospital. 12259-60.

Mr. A. Wagg considers habitual drunkards should be confined in some place by themselves, and not mixed up with criminals in gaols; believes that, taking everything into consideration, the public would submit to the habitual drunkard being confined for a long period in some institution for his own good; that no arrangements are made for a drunkard's family who is now sent to gaol. 12872, 12877, 12874.

Col. P. G. Ballingall, Member of the Legislature of Iowa, U.S., does not believe in sending drunkards to gaol; that a reformatory system should be started in New South Wales; that the cost of it would not be more than a quarter of the revenue derived from the licenses, as the institution would be self-supporting, each inmate being obliged to work; that this system would act as a deterrent; that in the case of a man with a family the State could give the family what the man should give, and pay themselves by the man's labour; that the fact of the fines being paid by the drunken husband only further impoverishes the family; that it would not be self-supporting, but would be as cheap as a gaol, and very much more for the benefit of the community. 13308-18.

[Inebriate Asylums.]

Mr. Fosbery, Inspector-General of Police, thinks the State ought to establish reformatories or asylums for the reception and treatment of habitual drunkards both compulsory and voluntary. 284.

Inspector Anderson considers that the establishment of asylums for inebriates (compulsory and voluntary) would be a very great advantage to the community generally. 441.

Sub-Inspector Atwill considers the establishment of a penitentiary would be the means of saving a number of drunkards who are not altogether hopelessly lost. 1115.

1301-2. *Sub-Inspector Cotter* thinks that unless the period of detention was a very lengthy one an asylum would not do much good, but that it would be worth trying.

2244-7 *Sir Alfred Stephen* is in favour of the establishment of inebriate asylums; he sees no more reason why an habitual drunkard should not be sent to an asylum than a lunatic. He considers that drunkards are lunatics.

2471-3. *Mr. Marsh, S.M.*, thinks that such asylums should be established, not only for the sakes of the drunkards themselves but of their families; that the magistrates should have the power of sending drunkards there; that there should also be voluntary asylums; and that a drunkard's relatives might be allowed to take the necessary action for placing him in an asylum.

2612. *Mr. Buchanan, S.M.*, considers that the establishment of an inebriate asylum would be a great blessing, but that there might not be much hope of any permanent reformation.

2877, 2881. *Mr. Addison, S.M.*, thinks that after three or more convictions habitual drunkards should be sent to an inebriate asylum, and detained there for a period of one or two years, or if permanently reformed might be discharged on the certificate of two doctors and the superintendent at any time; that this system, called "*Maisons de Santé*," has been tried in Belgium, and answers well.

3065-9, 3139. *Mr. Fisher, D.S.M.*, considers that after (say) six convictions in a given number of months, an habitual drunkard should be sent to an asylum for a sufficiently long period, and made to work, so as to make the institution as much as possible self-supporting; that such persons are, to all intents and purposes, lunatics, and should be treated as such; that these asylums should be voluntary as well as compulsory.

3331-2, 3340. *Mr. Yates, D.S.M.*, thinks that the habitual drunkard might be sent to an asylum in the first instance, and, if not cured under that system, to a reformatory where he should be made to work; he considers drunkenness more a disease than a form of lunacy; that the institutions should be both compulsory and voluntary.

[Inebriate Asylums.]

Mr. Maclean, Comptroller-General of Prisons, considers there is no reason why a penitentiary and an inebriate asylum should not work together; that upon certain conditions sentences might be reduced from the penitentiary to the asylum, but that it is necessary to have exemplary punishment; that penal labour in the penitentiary would no doubt act as a deterrent; and that the cost of such a system would be less than the present one. 3476, 3481.

Mr. Read, Governor of Darlinghurst Gaol, thinks that the establishment of an asylum would have the effect of reforming numbers of drunkards; that in certain cases they should be subjected to separate treatment on board a hulk. 3573-4.

Canon Rich states that there is a home for fallen women in Sydney; that female drunkards come there and are compelled by the rules to stop a specified time; some stop there as long as six and nine months, and then get out on some excuse and get drunk; that drinking in these cases is due to a craving, not to a desire to drown their troubles. 3705-10.

Dr. O'Connor, Surgeon of Darlinghurst Gaol, thinks that an inebriate asylum should be established; that drunkards should be sent there on the representations of two responsible persons, for a period of (say) at first three and four months, then only liberated on bail; if there was a recurrence of the offence the drunkard should be detained until a decided reform was promised or apparent; the people who had charge of him when on bail should be made liable for his good behaviour; that the fear of being detained for an indefinite period would act as a deterrent; that reformation would depend more on the person's will than anything else. 3800-3.

Dr. Manning, Inspector-General of Insane, states that in America the inebriate asylums were doing a great deal of good; but that they did not touch the lower classes to any extent; that if asylums are established here (and it would be a good thing if they were), they should provide both for rich and poor; that legislation for the treatment of inebriates should be distinct from that for lunatics, because, when the inebriate has recovered his reason, it is 4041-6, 4051-64.

necessary to keep him for some months; it is a hardship that he should be shut up with lunatics, and that he would resent such treatment by working on the delusions of the lunatic and making him troublesome; converses almost daily with reformed patients; that all Inebriate Asylum Acts should empower voluntary incarceration as well as compulsory; that there should be two divisions—one for those capable of paying well, and another for those not so well off, and for those who can pay nothing who should be made to work; would not refer to or consider it as a place for punishment. In the case of men offending against the law when in a state of drunkenness they should be sent to gaol first, for punishment, and then to the asylum for treatment.

4614-5, 4620-4. *Dr. MacLaurin*, Medical Adviser to the Government, considers that inebriate asylums no doubt do good, but that they are not quite so successful as was at first expected; that there are three classes of drunkards—the habitual drunkard, the man who goes on the spree and gets drunk only occasionally, and the neurotic drunkard, who feels the craze coming on and eventually gives way; the first and third are the cases in which an inebriate asylum would do good; that a man should be punished for any breach of the law committed whilst being drunk, and treated for reformation afterwards; that the knowledge that a man would be sent back again on a recurrence of his drunkenness would, no doubt, act as a deterrent; gives an instance of a man who for sixteen years had an attack of *delirium tremens* every six months; that there should be provisions to enable responsible persons to place their friends or relations (who give way to excessive drinking) in these asylums, in the same manner as persons are now sent to lunatic asylums.

4738-40, 4745, 4766. *Dr. Mackellar, M.L.C.*, late Medical Adviser to the Goverment, is of opinion that some institution should be established for the treatment of habitual drunkards, on somewhat the same lines as lunatic asylums; that, apart from the benefit to the individual, it would be cheaper for the State; that they should be voluntary as well compulsory; that he

objects to the words reformatory and asylum, and would call all these institutions hospitals, as dealing with diseases, and not crimes.

Bishop Barry states that he is aware of the existence of inebriate asylums; that in England there is an Act called "Dalrymple's Act," which enables people to be incarcerated in an asylum by their own consent, which, when once given, cannot be withdrawn; knows nothing of the working of it; sees no reason why the habitual drunkard should be treated differently from persons suffering from temporary insanity, their conditions being analogous; that drunkards are certainly capable of reclamation, women, no doubt, being more difficult patients than men. 4834, 4846-8.

Dr. Tucker visited an inebriate asylum in San Francisco, and also a place that had been one and failed at New York, owing to the inmates being allowed out; that there can be no satisfactory results under twelve months restraint and abstinence; that there is no clause in any of the Acts of the United States with reference to compulsory restraint; there these asylums are voluntary. 4997-5002.

Rev. J. D. Langley considers that an institution should be established where habitual drunkards might be confined and made to work for the benefit of the community and of their families, and be enabled to recover their physical condition, and be taught habits of self-restraint; that the Church Home is an example of what success might be attained; no doubt there would be many disappointments; that women are far more difficult to reform than men; that an asylum is the only way of dealing with the matter, and that they must be both compulsory and voluntary; that private homes under Government inspection would be much more likely to do good than State institutions; that the moral training in private homes would be much more effectual than the treatment in State institutions. 5630-2, 5690-5.

Judge Wilkinson thinks that in the case of any amendments bearing on this subject being made, it would be advisable to insert a clause under which any person could bind himself not to take pro- 5991-3.

ceedings against those who put him into an asylum for six or twelve months, or for such period as might be necessary for a complete cure; believes there is such a law in America; would have no objection to power being given magistrates to commit habitual drunkards if proper safeguards were also provided as in the case of lunatics at present.

6018-23. *Rev. J. Jefferis, LL.D.*, states that there is a voluntary inebriate asylum in South Australia; that such an asylum should be established here, and that the magistrates should have power to commit; that there should be punitive as well as curative treatment.

6289-90. *Mr. Toohey, M.P.*, considers that an inebriate asylum should be established; that a magistrate should have power to commit to these asylums instead of to gaol; that fining should be done away with; that drunkenness is a modified form of insanity.

7553-9 *Mr. Hunt*, of the "Oxford Hotel," thinks that an inebriate asylum should be established where an habitual drunkard might be detained for a long period according to his condition; that the magistrates should have power to commit drunkards to this institution; that one in eight or ten might be saved by this means; that none are saved when sent to gaol.

8317-24, 8329-32. *Sir John Robertson* states that he once voted against a Bill which provided for the establishment of an inebriate asylum, but that he would not do so now on account of the increase of drunkenness; that the magistrates should have the power of committal, the right of appeal being allowed; that such an institution should be managed by a committee of gentlemen, and with great moderation, somewhat on the lines of lunatic asylums; that the inmates should be detained for any period up to one year or more, if necessary; that the cost should not be considered, in view of the great benefit to the community; that this kind of detention would act as a deterrent to many in the same way as the "Vernon" acts as a deterrent to boys; that it should be as unlike a gaol as possible.

The evidence of representatives of the artizan classes was to the following effect:—

Mr. Atkinson thinks that, instead of sending an habitual drunkard to gaol for seven days (at the expiration of which he starts drinking again) he should be sent to an asylum where he could be treated for a longer time; does not consider it would be a violation of the liberty of the subject to detain an habitual drunkard for six months or a year; that it would be no more unjust than if he were suffering from an infectious disease; that the community would favour magistrates having the power to commit to an asylum habitual drunkards for a period of six months or more. 9491-4.

Mr. Watson states, that if he ever became an habitual drunkard he would not object to being sent to an asylum for six months or more, with a view to his reformation; that the knowledge that such was the treatment for habitual drunkenness would no doubt act as a deterrent to some but not to all; that the power of committal to an asylum by magistrates, of drunkards three times convicted in one year, would be going too far, as he personally knows one man who every Friday and Saturday gets more or less drunk, and on Sundays pulls himself together and goes to his work on Mondays, and this man he does not consider an habitual drunkard. 9622-6.

Mr. Gordon thinks habitual drunkards ought to be sent to some sort of reformatory; first for his own good and next for the good of the community; that it would be a charity to shut such men up for six months or more where they would be properly cared for; that the sensible portion of the working-classes would be in favour of such a law; states a case of a friend of his who might have been cured by such an institution. 9901-8.

Mr. Smith thinks that if provision can be made for a man's family while he is detained in an asylum for six months or more, he sees no objection to his being in an asylum; that there is nothing despotic or tyrannical in such treatment, and that it would, no doubt, act as a deterrent to some. 10133-4, 10440-1.

10681-3, 10688-90. *Mr. J. Davidson* would be in favour of habitual drunkards being committed by a magistrate to an asylum for any period up to twelve months; that there would be no very great objection to such a plan, as an habitual drunkard is of no benefit to anyone, but rather a nuisance; that in the case of a man with a family being committed, some arrangement might be made for the family and the man made to work at the asylum, and so help to support the institution and his family.

11435-9 *Mr. Williams* states that there are hospitals for inebriates in England; that it would be obnoxious to the community that magistrates should have the power to commit habitual drunkards to a reformatory or asylum unless some provision was made for the man's family.

12133-4, 12141-2, 12159-61. *Mr. Vale*, Secretary to the Victorian Alliance for the Suppression of the Liquor Traffic, states that an asylum was established in Victoria, but that it has been unsuccessful, owing to a charge of four guineas a week being made by the doctor in charge; that there is a law which allows persons to be sent to such an institution by a Judge on the evidence of a medical man that restraint is necessary, which can be put in force either by the person addicted to drink or his friends and relations. An habitual drunkard can be sent to gaol under the Police Offence Statute; but that no provision has been made for the support of the man's wife and children whilst he is shut up—none is made if a man is sent to prison; that they would in most cases be committed on the action of their wives or relations, who, it is presumed, would not do so unless some provision could be made for those dependent on the husband.

12872-7. *Mr. Wagg* thinks that habitual drunkards ought not to be sent to gaol to mix with criminals, but to some place by themselves; that no provision is made for the wives and families of habituals who are now sent to gaol; that, taking all the circumstances of the case into consideration, the public would tolerate a law permitting a magistrate to convict an habitual drunkard, and send him to an asylum for a long period of (say) six or nine months.

[Inebriate Asylums.]

Mr. Spencer states that if he were an habitual drunkard he would certainly prefer being sent to an asylum; does not think the punishment in gaol in this Colony sufficiently severe; that a little punishment might bring a man to his senses, and therefore deter him in the future. 12916-20.

Mr. Knapp, Secretary to the Local Option League, considers that if inebriate asylums were established they would go a long way towards curing the disease of drunkenness; that he has been told that the cures in America average 70 to 80 per cent.; that they should be compulsory as well as voluntary; that habitual drunkards should be treated as lunatics, not as criminals. 13460-2.

Mr. Hayes, a late resident in Canada, knows of private inebriate asylums, but not public ones; that they are very successful, and that he has been told by inmates that have come out that they have no further desire to drink; that he frequently attended at an asylum in the town where he lived. 13575-6, 13584.

[Sunday Opening.]

Mr. Fosbery, Inspector-General of Police, is in favour of the houses being strictly closed; but thinks it not unreasonable that people of the class who do not keep cellars should be able to get what they require on Sundays; looks upon Sunday opening, however, as retrograde legislation; at the same time he thinks the present Act went beyond what the people were willing to bear, as is shown by their getting drink illegally. If they are to be opened, would open them from 12 to 1·30, or 1 to 2; but would prefer to have them closed if possible. 91-5.

Inspector Mackay considers that there is a very great improvement in the way Sundays are kept under the new Act, and that opening the houses on Sundays, even for a minute, would undoubtedly be retrograde legislation. 859-60.

Sub-Inspector Atwill thinks that opening for a short time might have the effect of removing what is called the poor man's grievance; but that it would be fraught with evil, and that the houses would be full of people for the rest of the day, 1027-30, 1109.

as the publican would shut the doors on them, although he might not let any more in; that it would only be an advantage to a few respectable people, the majority being a worthless lot, and who would get drunk; thinks that the Police ought to have greater powers if the houses are opened; that if he could enforce Sunday closing at least twenty-five houses in his division would close for good.

1325,1331,1342-6. *Sub-Inspector Cotter* does not think that opening the houses for an hour or so would prevent illicit drinking for the rest of the day; that it would be easier to administer the Act if an hour or two morning and evening were allowed, and the other provisions of the English Act adopted; that if any concessions are made additional facilities for punishing the law-breaker must be given; that full Sunday closing would be better if it could be enforced.

1600-1. *Sub-Inspector Larkins* does not see any particular harm in opening for an hour or two in the day-time, but does not think the people require it, and states that it did not stop illicit drinking under the old Act.

1735. *Sub-Inspector Potter* would not be in favor of opening the houses at all, as under the old Act the back and side doors were open all day, when the houses were allowed to open from 1 to 3 p.m.

1806, 1992. *Sub-Inspector Lenthall* thinks Sunday closing a hardship on the poorer classes; that the houses might be opened for a short time if some of the provisions of the English Act were adopted.

2058, 2110, 2122. *Inspector Camphin* considers it would be beneficial to open the houses for an hour in the middle of the day as a compromise to some, and that it might lessen illicit drinking, as those who wanted to drink might wait till they could do so lawfully, and that also heavy penalties should be inflicted on the law-breakers.

2265-9. *Sir Alfred Stephen* considers that the inconveniences caused by Sunday closing are not so great as to countervail the good resulting from entire Sunday closing; and therefore, although the provision for opening for an hour or two is not a bad one, yet it is a dangerous one; and while admitting there may be hardship in some cases, considers it best to retain entire Sunday closing.

Mr. Macintosh, *M.L.C.*, *L.M.*, considers it impossible to keep people out of the public-houses on Sundays, and that therefore it would be better to open for one hour and after that close entirely, not even allowing inmates and lodgers to be served; prefers however entire Sunday prohibition if it were practicable. 2307-8, 2388.

Mr. Marsh, *S.M.*, appeared to be uncertain as to his opinion. He once thought that public-houses ought to be opened for an hour or two, but since he has heard that an attempt to close the houses in England was being made, and that they were closed in Scotland and Wales, his opinion has undergone some little change; he also states that it is a hardship to the working man; that the men will have their drinks, Sundays or no Sundays; and that he would be in favour of opening for a certain time on Sundays, but no drink to be consumed on the premises. 2504-5. 2590-3.

Mr. Buchanan, *S.M.*, disapproves of the Sunday prohibition clause, and considers that the houses ought to be opened for an hour or two. 2627.

Mr. Johnson, *S.M.*, is in favour of opening for one hour, from 1 to 2 p.m., and after that making the law more stringent. 2789, 2793, 2799.

Mr. Addison, *S.M.*, would like to see as little trading as possible on Sundays; but that he has come to the conclusion that it is necessary to open the houses for two hours in the middle of the day, with a view to destroy the present system of secret and illegal sale; regards the opening of the houses as a desperate remedy. 2896, 3009.

Mr. Fisher, *D.S.M.*, is in favour of entire closing, but thinks that the opening of the houses for one hour might have the effect of lessening the infringements of the law; that if the people will drink, it is better that they should get drink legitimately. 3031-6, 3114.

Mr. Abbott, *S.M.*, is in favour of strict Sunday closing, and thinks that the police should be empowered to carry out the present law as it stands. 3290.

Mr. Yates, *D.S.M.*, would not be opposed to the houses being opened from 1 to 2, thinks that there would be less illicit drinking if the houses were allowed to open for an hour; and that there does 3419-23.

not appear to be any difference in the numbers of drunkards brought before the magistrates on Monday mornings.

3502. *Mr. Maclean*, Comptroller of Prisons, considers the present law ought to be modified; that it is very hard on that class who are not drunkards and on those who move about on Sundays; that the present law will never be carried out; and that the houses might be opened for one hour.

3743-6. *Canon Rich* is strongly in favour of entire Sunday closing, and the law as it stands being enforced; has never heard any complaints about the houses being closed.

4001. *Mr. Powell*, Collector of Customs, is in favour of the English practice of opening for certain hours on Sunday, and considers that the great amount of illicit drinking that goes on is evidence of the necessity to open the houses under restrictions.

4851-5. *Bishop Barry* believes in entire Sunday closing, and that the law ought to be enforced; that it is no doubt a hardship to some, but the balance is in favour of the good done by the closing.

5271-4. *Rev. F. B. Boyce* states that the Local Option League is in favour of entire Sunday closing, and the insertion of a clause like that in the English Act with reference to the onus of proof; that the convictions for Sunday selling in 1881 were 527, and in 1882, under the new Act, 238.

5590-3. *Rev. J. D. Langley* states that he is in favour of Sunday closing; that the law is not observed, and that the provisions of the English Act which place the onus of proof on the publican would be a solution of the difficulty; that every facility should be given to the police to enable them to detect and convict the offenders.

5737, 5747. *Mr. Clark* is in favour of the insertion of a clause putting the onus of proof on the publican, as in the English Act; is not certain as to whether the customer should be exempt, but considers he would be more likely to give truthful evidence if he were not liable to be punished.

5378, 5898. *Rev. R. Sellors*, President of the Wesleyan Methodist Church, states that although the law is to some extent evaded the good results are most

marked, and that he would on no account advocate the law being altered in the direction of partial opening; that this refers to the country towns as well as Sydney; is in favour of opening the houses for accommodating the travelling public, but not for the sale of liquor.

Rev. J. Jefferis, LL.D., is in favour of entire Sunday closing; he does not consider there is any desire among the order-loving portions of the community to have the houses opened for a time on Sundays. 6061-3.

Mr. Toohey, M.P., absolutely condemns total Sunday closing; and considers that it does a great deal of harm by causing people to take home on Saturdays more than they otherwise would, also that those who do get into a house now stay there and drink more than they would if they were allowed to get their drink legally, and come and go as they pleased during certain hours; he is in favour of the houses being opened from 1 to 3 p.m., and from 8 to 9 or 10·30 p.m., which he considers would have a good effect eventually. 6246-52.

Mr. Olliffe, M.P., of the "Royal Hyde Park Hotel," is in favour of the houses being allowed to open from 1 to 3, and for the closing to be made absolute for the rest of the day and the law to be enforced; that, as the law now stands, trade is improved to the detriment of the public, as people take home on Saturday nights more than they would consume on a Sunday. 6493-7

Mr. Weale, Secretary of the Amalgamated Licensed Victuallers' Association, states that that society is in favour of having the houses opened from 7 to 9 a.m., 1 to 3 p.m., and 8 to 10 p.m.; but that he himself is in favour of only one opening, viz., from 1 to 4 or 5 p.m.; that if a reasonable time were allowed the law might then be strictly enforced. 6699.

Mr. Thompson, late President of the Amalgamated Licensed Victuallers' Association, wine and spirit merchant, is of opinion that it would be very much better to regulate the traffic than prohibit it; that if a poll were taken as to opening from 1 to 3 p.m., the Parliamentary roll being used, the majority 6753-61, 6783-4

would be in favour of it; that drunkenness would be lessened 20 per cent. if the houses were opened from 1 to 3; that he has no sympathy with the wishes of the A.L.V. Association as to Sunday opening, but is of opinion that it would be beneficial for the authorities to allow houses in certain places of public resort to open from 3 to 5, or such other hours as might be most convenient for the public, that is, in addition to the mid-day opening before mentioned.

6987. *Mr. Spora*, licensed victualler, is in favour of the houses being opened for one hour in the morning, two in the afternoon, and one in the evening.

7102-4. *Mr. Hilder*, traveller for Messrs. Tooth & Co., personally is opposed to Sunday trading; states that Messrs. Tooth & Co. are opposed to the law being broken, but that does not imply that they consider that a man should not be allowed his dinner beer; that he also thinks that every working man ought to be allowed to get his beer for dinner.

7341. *Mr. North* states that he is in favour of entire Sunday closing.

7481. *Mr. Selff*, licensed victualler, states that he is a member of the Association that petitioned the Government to open the houses from 8 to 10 a.m., 1 to 3 p.m., and 8 to 10 p.m., and that he considers that it would have the effect of doing away with a great deal of drunkenness; and that the law might be made more strict during the prohibited hours.

7516. *Mr. Hunt*, of the "Oxford Hotel," is in favour of the houses being opened for the same hours as in England, that is, two hours in the morning, two in the afternoon, and from 7 to 10 at night.

7685-7. *Mr. Watson*, of the "Paragon Hotel," states that the majority of his customers are in favour of partial Sunday opening; that he is in favour of opening in the morning, at mid-day, and for an hour or two in the evening, and that after those hours the bars should be closed to all lodgers, travellers—in fact to every one; speaking for himself he is in favour of Sunday closing.

7847, 7875-8. *Mr. Smith*, of the "Burrangong Hotel," states that he would not open his house on Sundays if the law were altered, but that there would be less

drunkenness if drink could be obtained legally on Sundays; that when once a man gets into a house he drinks more than he otherwise would, and also that more drink is taken home on Saturday nights than used to be the case. The result is a great deal of harm is done to the wives and families, and the men are incited to go on drinking on Sundays.

Mr. Rainford, of the "Cambridge Club Hotel," states that personally one opening (say from 1 to 3) would suit him; that his Association are in favour of opening from 1 to 3 and 8 to 10; that he thinks it would lessen drunkenness if the public could get what they want legally; that the general opinion of the public is in favour of limited Sunday opening; that he sells very largely on Saturday nights for Sunday use both beer and flasks of spirits, and is of opinion that more drink is consumed now than would be consumed if the houses were opened for stated hours; that publicans, by refusing to sell on Sundays, lose their week-day customers. 7993, 8002-5, 8010-12, 8053-9.

Mr. Roberts, of the "Crown and Anchor Hotel," thinks that it would be a wiser plan to open between 1 and 3 on Sundays; that he has not noticed any great increase in Saturday night's sales; that the opening for a few hours would have the effect of putting a stop to illicit drinking. 8174, 8180-91.

Sir John Robertson considers that if the houses were opened, at any rate for the sale of beer, for one hour, between 1 and 2, it would have the effect of lessening drunkenness, as the public would not require to provide themselves with flasks; also, that the closing of the houses causes quarrels, &c., in the families of working men, who take home quantities of drink on Saturday nights; also, that there is no necessity to allow spirits to be sold during that hour. 8305.

The evidence of representatives of the artizan classes was to the following effect:—

Mr. Gray is of opinion that the majority of men at Mort & Co.'s are in favour of entire Sunday closing. 8432, 8456.

8658, 8661. *Mr. Pemberton* is of opinion that the majority of the men at Hudson Bros. are in favour of entire Sunday closing.

8931-4, 8968. *Mr. J. Akrill* is in favour of total Sunday closing, and says that as a body the working men are also in favour of Sunday closing. Certainly their wives are.

8980. *Mr. Riley*, from Farmer & Co.'s, states that the people with whom he associates are in favour of retaining the law as it stands at present with regard to Sunday closing.

9067. *Mr. Paul*, of the Railway Department, is of opinion that the majority of the men with whom he is connected are in favour of retaining the law as it stands as regards Sunday closing.

9142-4, 170, 9196. *Mr. Hoyle* is of opinion that if the houses were allowed to open for one hour, and if for any offence before or after that hour the license were cancelled, it would have the effect of stopping Sunday trading; that this opinion is held by many, but that the majority are indifferent; believes, however, that the majority are in favour of Sunday closing, if it could be strictly enforced; personally, is in favour, under existing circumstances, of Sunday opening; that it would lead to less drinking.

9223, 9230, 9324. 9247-9 *Mr. Smith*, from Cameron's Tobacco Factory, considers that the present Act has caused a great deal of intemperance in the city and suburbs; that nine-tenths of the people with whom he mixes are in favour of Sunday opening; that Sunday closing has caused a great deal of intemperance among families; that many of the men at Cameron's lose time on Mondays; that however, if the present law could be strictly enforced, there would be less drunkenness.

9347-50. *Mr. Morris* thinks that the majority of the men at Cameron's are in favour of opening on Sundays; believes that two-thirds of the working men throughout New South Wales are in favour of opening on Sundays for a portion of the day.

9470-3, 9522. *Mr. Atkinson*, from the Government Printing Office, thinks that the general opinion is that the present law is objectionable, and that if the houses were opened for an hour on Sunday, from 1 to 2, it

would prevent a great deal of the drinking now carried on in private houses; that more liquor is taken home on Saturdays at present than otherwise would be drunk on Sundays if the houses were opened for a time.

Mr. Watson thinks that the majority in the Government Printing Office are in favour of opening the houses from 1 to 2, or 2 to 3 p.m., and from 9 to 10 p.m. in the evening; that closing the houses on Sundays has had the effect of causing a greater consumption of liquor, because when a man gets into a house now he stays there and drinks more than he otherwise would; that he has heard a publican boast that he sells more Colonial beer on a Sunday than he does during the week. 9531, 9547, 9551

Mr. Hannon considers it a hardship that the houses should be closed on Sundays; is in favour of the houses being opened from 1 to 3 p.m.; that the closing of the houses leads to a great deal more drunkenness than there would be if the houses were open; that the people going in illegally drink more than they would if they could drink legally. 9635, 9639, 9643-4.

Mr. Long thinks that the majority of the men at Lassetter's are in favour of Sunday closing, but that there are a number of men who would like the houses opened for an hour or two; that the majority of the people in the locality in which he lives (Waverley) are also in favour of Sunday closing; that if the houses were opened for an hour or two it would not stop the illegal sales during the rest of the day; gives his experience to that effect under the old Act; that no doubt more is drunk now by those who get into a house than would be drunk if the houses were opened for a short time; but that the majority of the general public are in favour of the law as it stands. 9719, 9731, 9737, 9740, 9747, 9754 9796.

Mr. Gordon is of opinion that more liquor is drunk under the present Act than was drunk when the houses were open for a short time on Sundays; that the houses should be opened for one hour at mid-day and one hour in the evening, between 1 and 2 p.m. and 8 and 9 p.m.; but that if Sunday closing could be strictly enforced he would be in favour of it. 9820, 9843, 49-51, 9941.

10049. *Mr. Liston* thinks that the majority of men employed at Dixon's Tobacco Factory are in favour of the law as it stands.

10136-9, 10147-8, 10219. *Mr. Sharp*, from Dixon's Tobacco Works, considers that opinions are very much divided there, some wanting the houses opened for one hour in the morning, one at mid-day, and one at night, and others that the houses should be kept shut; his own opinion is that they are best shut; states also that a man living opposite to him used to get drunk five Sundays out of every six; thinks the law ought to be made more stringent and be properly enforced; that the inclination of the more intelligent portion of the community would be to keep the houses closed.

10388-9. *Mr. Smith*, from M'Murtrie, Kellerman, & Co.'s, objects strongly to the opening of houses on Sundays, but thinks the majority of his fellow-workmen are of opinion that the houses should be opened for a certain time.

10485, 10504. *Mr. Graham* states that the men in the *Sydney Morning Herald* Office were almost unanimous in wanting the houses opened for certain hours on Sundays; they think it better to be able to get their liquor legally than illegally.

10557, 10563-5. *Mr. Dunshea*, from the *Sydney Morning Herald* Office, states that the majority of the men are against the present Act as to Sunday closing; also that they desire that a special house (to be named) should be licensed to sell liquor to printers for one hour after 11 o'clock both on Sundays and week-days.

10613-4, 10623-4. *Mr. Davidson*, from Flood & Co., thinks that the majority of wharf-labourers are in favour of the houses being opened from 9 to 11 a.m., and from 3 to 4 p.m.; that the taking of drink home on Saturdays does a great deal of harm.

10809-10. *Mr. Sayers* is of opinion that the majority of wharf-labourers are in favour of opening the houses on Sundays from 12·30 to 3 p.m., or even till church time.

10920-6. *Mr. O'Connor*, from Anthony Hordern's, is of opinion that the majority of his fellow-shopmen are in favour of the houses being opened for some part of Sunday.

[Sunday Opening.]

Mr. Melhuish is of opinion that the majority of the men at Anthony Hordern's & Sons are in favour of having the houses opened on Sundays for the same time as in England, that is from 1 to 3 and from 6 or 7 to 10 p.m.; that the majority of working-men are in favour of Sunday opening. 10958-60, 10979, 11025.

Mr. White states that some of the men working with him in the Corporation works are in favour of Sunday opening. 11078.

Mr. Davis, from the Corporation works, thinks that the prevailing opinion among his fellow-workmen is that the houses should be opened for a time on Sundays; as they consider it would lessen drunkenness, as the men would take their glass and then go away. 11097.

Mr. Ford, from Dalgety & Co.'s wharf, thinks that the majority of wharf-labourers are in favour of Sunday opening; that it might be beneficial to open from 1 to 3 p.m., as the men might then not drink so much afterwards. 11148-9, 11160-2

Mr. Beckett, from Dalgety and Co., does not think the majority of wharf-labourers want the houses opened on Sundays; that he himself is of opinion that it would be better to open the houses on Sunday than have the present illegal traffic; but that it would be best to strictly enforce the law as it stands. 11282, 11289, 11347.

Mr. Williams, from the Albion Tailoring Company, thinks that the majority of his fellow-workmen are in favour of Sunday opening; that there would be less drunkenness on Sundays if the houses were opened; that they should be opened for the English hours, or from 1 to 3 and from 6 to 9 p.m. 11394-8, 11402.

Mr. Beaney considers Sunday closing has been a great boon to the working-man; has not seen so much drunkenness under the new Act as under the old one; thinks that if the houses were opened for an hour or so there would be more drunkenness than there is now; is of opinion that the present law should be retained and enforced. 11561-5, 11567-7.

Mr. Russell (a cabman) thinks that the houses ought to be opened for an hour or so, as it is impossible to prevent the law being evaded. 11738-40.

11821-4. *Mr. Law* (a cabman) thinks that the houses should be opened for a short time for the sale of liquor to be drunk off the premises.

11883-4, 12400-3. *Mr. Davis*, Secretary to Federated Seamen's Union, is of opinion that nearly all the Members of his Union are in favour of the houses being opened on Sundays; that more drunkenness is caused by men getting illegally into houses than there would be if the houses were opened; that the men would prefer certain hours between church hours.

11960-3. *Rev. W. Bradley*, Chaplain to the Bethel Church, thinks the majority of sailors are in favour of Sunday opening; but that if the law were strictly enforced, judging from the improved character of the men, they would vote for their being shut, and kept shut.

12309-11. *Mr. W. Richardson*, Temperance Advocate, states that he has frequently taken a show of hands on Sunday closing at his gatherings, and his hearers are generally unanimous in favour of its continuance; that the working man is in favour of Sunday closing.

12524-7. *Mr. Atkinson*, a member of the Seamen's Union, is in favour of opening for one or two hours on Sunday; thinks that it would do away with much of the drunkenness which occurs now; but that it would be to the advantage of the working man if the houses were kept strictly shut when shut.

12708-12. *Mr. Shearston*, Sailors' Missionary, thinks the majority of sailors are in favour of having the houses opened on Sundays; but that the wives of the wharf-labourers looked upon Sunday closing as a very great blessing.

12733, 12764. *Mr. Simpson* states that the majority of the Sydney Progressive Carpenters' Society are in favour of retaining the present law; that he is in favour of strict Sunday closing.

12814. *Mr. Riley*, from the United Plasterers' Society, does not think that strict Sunday closing would cause offence to a great number of people; approves of the Scotch system, under which the bars are not allowed to have any connection with the house. They have only one door on the street, which puts a stop to all Sunday trading.

[Sunday Opening.]

Mr. Wagg states that the majority of the members of the Sydney Progressive Carpenters' Society are in favour of the law as it stands, and that some would like to see it more strictly enforced. 12843.

Mr. Spencer states that the majority of the members of the United Plasterers' Society are in favour of the opening of the houses on Sundays for four hours; that it would in a great measure do away with the drunkenness that now takes place. 12882-6.

Mr. More is of opinion that there is more drunkenness now than when the houses were open for a short time on Sundays; that if the houses could be rigidly closed, would be in favour of their being so; that the majority of the Stonemasons' Union are of the same opinion as himself. 13154-6, 13172-3.

Mr. Ware is of opinion that Sunday opening would be better than the present state of things; that the taking home on Saturdays of quantities of beer leads to intemperance and Sunday drinking, and also demoralizes the wife and family. 13210, 13213

[Early Closing.]

Mr. Fosbery, the Inspector-General of Police, considers that the 11 o'clock closing has been wholly beneficial although it may have caused some slight inconvenience to those whose occupation keeps them out late at night; that there being so many difficulties in the way of granting night licenses it would be better to leave matters as they are. 120-2.

Inspector Anderson states that early closing has effected a most marked and beneficial change; knows of nothing that has effected so great a change previously during his thirty-two years' service in Sydney; would be in favour of a large number of houses closing at 10 o'clock, and is certain that thereby a similar and corresponding improvement would be effected. 315, 410.

Inspector Waters considers that the 11 o'clock closing has had a most beneficial effect. 610.

Sub-Inspector Mackay considers that the 11 o'clock closing has caused very great improvement in his division, and states that he would like to see the public-houses closed at 10 or 10·30. 804.

1025, 1112. *Sub-Inspector Atwill* considers that the early closing clause has worked the best of all the clauses in the Act of 1882, and that the effect has been most beneficial.

1273, 1404. *Sub-Inspector Cotter* considers that early closing inflicts no hardship on anyone, and states that he would rather allow some concession on Sundays than all the public-houses to remain open after 11 o'clock on week-days.

1505–6. *Sub-Inspector Larkins* considers that early closing has effected a wonderful improvement, but not so marked in the suburbs as in the city; that it would be better to close the houses at 10 o'clock in the suburbs.

1671–3, 1717. *Sub-Inspector Potter* considers that the present hour for closing is very satisfactory and works well, and states that when the houses were kept open till 12 it was 2 before the streets were quiet, and that now there are very few people about at 12 o'clock.

1785, 1955–7. *Sub-Inspector Lenthall* considers that the 11 o'clock closing has had a great deal to do with the diminution of the number of drunkards to be seen at night; that it has worked well and that it should not be altered.

2057, 2128–30. *Inspector Camphin* considers that the 11 o'clock closing has been very beneficial; that there is a very great improvement visible in the state of the city at night under the present Act.

2260–3. *Sir Alfred Stephen* is very decidedly in favour of the 11 o'clock closing, but sees no objection to certain public-houses in the vicinity of theatres and other places of amusement being permitted to remain open for the benefit of playgoers, special precautions being taken against any misconduct arising from such a privilege; as a general rule, however, he considers that the present hour should not be departed from, or as little so as possible, and then only under special conditions.

2398–99. *Mr. Macintosh, M.L.C., L.M.*, thinks it would be an advantage to close all public-houses at 10 o'clock.

2508–9. *Mr. Marsh, S.M.*, considers that the 11 o'clock closing has been most beneficial, and would not propose that any alteration should be made.

[Early Closing.]

Mr. Buchanan, S.M., considers that the present hours are quite sufficient, and would not lengthen them on any account. 2657-9.

Mr. Johnson, S.M., considers that the hours for selling should not be lengthened, and that there is less drunkenness at night owing to the 11 o'clock closing. 2790, 2860.

Mr. Addison, S.M., considers that 11 o'clock is quite late enough for all ordinary houses to be open; but considers that the large hotels should be permitted to remain open till 12 o'clock, and those near theatres till 11·30 p.m. on payment of extra fees for the privilege. 2894, 2920-2

Mr. Fisher, D.S.M., considers that early closing has made a marked improvement in the city and done a great deal of good. 3029.

Mr. Abbott, S.M., considers that 11 o'clock closing is of no great advantage to either the public or the publicans, and that the hour of closing might be slightly extended. 3232.

Mr. Yates, D.S.M., considers that 11 o'clock closing is very beneficial, and that it should not be altered. 3451-2.

Mr. Maclean, Comptroller-General of Prisons, considers that there is a marked improvement in the state of the city at night, owing to the 11 o'clock closing; but that the improvement is not so marked as it was when the Act first came into operation. 3501.

Bishop Barry would be in favour of the public-houses being closed at 10 o'clock at night. 4897.

Rev. J. D. Langley considers early closing helps to promote temperance among the people, that it works satisfactorily, and states that he has never heard any serious objection made to closing at 11 o'clock. 5595, 5640.

Rev. R. Sellors considers early closing a benefit to the community. 5849, 5911.

Rev. J. Jefferis, LL.D., considers 11 o'clock closing has had some beneficial tendencies but would prefer closing at 10 o'clock. 6065-6.

Mr. J. M. Toohey, M.P., considers 11 o'clock closing most beneficial and that it works admirably. 6312.

6484-92. *Mr. Olliffe, M.P.*, of the "Royal Hyde Park Hotel," considers that public-houses should be permitted to open half-an-hour earlier for the purpose of supplying early arrivals with refreshments, and to keep open for half-an-hour later at night to provide for the wants of theatre-goers, and to put a stop to the sly-grog selling that goes on in oyster-shops and other places.

6757. *Mr. Thompson*, late President of the Amalgamated Licensed Victuallers' Association, considers early closing has been an advantage.

6970-1. *Mr. Spora*, of the "Australian Inn," thinks public-houses ought to be allowed to be open from 5 o'clock in the morning till midnight.

7368-70. *Mr. J. B. North* considers that the hours of opening are quite long enough, and that early closing has effected a most decided improvement in the condition of the streets at night.

7422. *Mr. Selff*, of the "Star Hotel," thinks it would be better to allow the public-houses to be opened half-an-hour earlier in the morning and also to keep open a little later at night, as he has to keep open to let his lodgers in, if they have been to the theatre, but he cannot do any trade, which he considers a hardship.

7524. *Mr. Hunt*, of the "Oxford Hotel," considers 11 o'clock a very good hour for the majority of public-houses, but that for large "family hotels" some concession ought to be made; that it has had a very beneficial effect on the condition of the streets at night.

7744-9. *Mr. Watson*, of the "Paragon Hotel," would prefer the hours being extended half-an-hour in the morning and half-an-hour at night.

7861-75. *Mr. Smith*, of the "Burrangong Hotel," considers that early closing causes people to frequent houses of ill-fame for the purpose of obtaining drink, and states that he has been to such places for that purpose himself; that when the houses were allowed open till 12 o'clock there was never any trouble in getting the people out; and that there was less drunkenness under the old hours than there is under the present ones.

[Early Closing.]

Mr. Rainford, of the "Cambridge Club Hotel," considers 11 o'clock closing is too early; that the law is now evaded to a great extent which was not the case when the public-houses were open till 12 o'clock. 7079, 8019.

The evidence of representatives of the artizan classes was to the following effect:—

Mr. J. Akrill, from Messrs. Goodlet & Smith's, considers that less time has been lost owing to early closing, and that it is a great advantage to the men and their families generally. 8941-2.

Mr. Riley, from Messrs. Farmer & Co., considers 10 o'clock would be a much better hour for closing public-houses than 11. 8984-6.

Mr. Long, from Messrs. Lassetter & Co's., states that for some time he was night watchman there, and he then saw what a special boon early closing was; that under the old Act the streets were never cleared until 3 o'clock; that his experience has been that the 11 o'clock closing brought about a wonderful improvement in the condition of the streets at night. 9744-6.

Mr. Graham, from the *Sydney Morning Herald* Office, states that the majority of the men employed there are in favour of the public-houses being allowed to remain open until 11·30 p.m. 10516-22.

Mr. Dunshea, from the *Sydney Morning Herald* Office, considers that public-houses should be allowed to keep open until 11·30 p.m., and that a special permit should be granted to particular public-houses in the vicinity of printing-offices and other places where work is carried on all night. 10558-60.

Mr. Davidson, from Messrs. Flood & Co's Stores, considers 11 o'clock quite late enough for the public-houses to be open, except on Saturdays, when they should be kept open till 12 midnight. 10626-30.

Mr. Davis, a corporation workman, has noticed a great alteration in the conduct of persons in the streets owing to the 11 o'clock closing, and considers it has been most beneficial. 11127.

Rev. W. Bradley, Chaplain of the Bethel Union, thinks that 11 o'clock closing has been very beneficial. 11996.

[Early Closing.]

12662. *Mr. J. S. Shearston*, Sailor's Missionary, states that the closing of public-houses at 11 o'clock has been most beneficial to the men-of-war's-men; that they now go on board to sleep instead of sleeping on shore; and that it is a noticeable fact that fewer men go on board drunk now than formerly.

62736-7. *Mr. Simpson*, a member of the Sydney Progressive Carpenters' and Joiners' Society, believes that the majority of the members are satisfied with the 11 o'clock closing of public-houses.

[Local Option.]

107-112, 262-6. *Mr. Fosbery*, Inspector-General of Police, considers the principle of local option correct, but thinks that the people take very little interest in it.

631-6. *Inspector Waters* thinks that the local option clauses of the Act have not closed any houses, but have prevented any increase and also stopped removals; that an extension of its principles would not do any good; that no interest is taken in the subject; that it would be better to empower the Benches to regulate the licenses as they thought necessary; says that in one City ward only was a vote given in favour of an increase of licensed houses.

990-5. *Sub-Inspector Atwill* considers that local option has done good in preventing an inordinate increase of houses, and also the removal of licenses from one place to another; that there is a great deal of apathy about it; that he is not in favour of full local option, and has not considered the question of compensation; that one effect of local option has been to enhance the value of public-house property considerably.

1283-5. *Sub-Inspector Cotter* thinks that local option ought to be made to apply to all new houses, whatever their size; but he would not apply it to renewals without compensation.

2226-9, 2286. *Sir Alfred Stephen* is in favour of local option as applied to new licenses and removals, but would not apply it to renewals without compensation; thinks that the people should have the power of determining the number of houses for any given district;

also that it would be just for the people, by a large majority, in any district where there are more houses than necessary, to abolish those whose licensees had been proved law breakers, and without compensation.

Mr. Macintosh, *M.L.C.*, *L.M.*, says that the present Local Option Act has had very little effect, owing to the apathy of the people; is in favour of local option being limited to new licenses and removals, not renewals; considers that the franchise should be enlarged and made compulsory; also, that the districts or wards should be enlarged to counties or large districts, as it is not merely those resident in the wards who are interested; and that all men and women over the age of 21 should have a vote. 2317-20, 2417.

Mr. Marsh, *S.M.*, thinks there is a great deal of apathy displayed in voting; that the franchise ought to be extended at least to Parliamentary electors; in fact would extend the vote to all residents. 2516-22.

Mr. Buchanan, *S.M.*, thinks the local option provisions have had a beneficial effect; but would not be in favour of their extension to renewals without compensation. 2640-4.

Mr. Johnson, *S.M.*, is of opinion that the vote is often misapplied by being given to increase the value of existing houses instead of a *bonâ fide* wish to lessen the liquor traffic; and is not in favour of its application to renewals without compensation. 2795-6.

Mr. Addison, *S.M.*, thinks the present system works well but would extend the franchise to the Parliamentary roll; would not extend the vote to renewals without compensation; is in favour of extending the franchise to women, and would give publicans a number of years' notice (in lieu of compensation) before applying local option to renewals. 2937-8, 2994-7.

Mr. Fisher, *D.S.M.*, approves of the principles of local option as applied to new licenses and removals but not to renewals without compensation; but thinks there is very little general interest taken in the subject. 3055-8.

Mr. Abbott, *S.M.*, approves of the principle of local option; thinks that the franchise should extend to the electoral lists and also to women; but would not apply the principle to renewals, with or without compensation, or to large houses. 3215, 3217-18, 3221-2, 3296-3301.

3377-9, 3383, 3445-6, 3387. *Mr. Yates, D.S.M.*, is not opposed to local option; would extend the franchise to women and residents of districts; also to renewals with compensation, and thinks that a number of years' notice would go a great way towards compensation.

3511. *Mr. Maclean*, Comptroller-General of Prisons, is not in favour of local option; would fix a high standard for houses in special districts, and only allow such houses.

4099-100. *Dr. Manning*, Inspector-General of Insane, is in favour of local option as it now stands, but would be in favour of extending the franchise.

4536-45. *Mr. W. Noble*, Temperance Lecturer, states that, as a citizen, he is in favour of local option; and that, as a teetotaller, of prohibition; thinks that a direct vote of the people in each locality should be taken every year, but would prefer every three years; that it is necessary to educate the people up to local option and prohibition before the law is enforced; that in Maine a temperance revival had been going on for years previous to the passing of the Maine Laws.

4816-23, 4832-3, 4878. *Bishop Barry* approves of the principle of local option, and believes that it can be made to work efficiently; that the franchise might be extended to the Parliamentary electors, but would not extend it to women until they were electors; if applied to renewals compensation should be granted; that both owner and occupier of a public-house should be entitled to compensation; that a certain number of years' notice before putting the Act into force would mitigate the hardship to the licensee but not to the owner; that the compensation fund might be supplied partly from the local rates and partly from the Consolidated Revenue.

5080, 5087, 5135, 5183, 5290. *Rev. F. B. Boyce* states that the objects of the Local Option League are to obtain an Act of Parliament by which the people will be empowered to vote in every locality for the prohibition of the liquor traffic; thinks that the vote should be taken on the Parliamentary roll, and says that many members of the League are in favour of its extension to women; that the majority of the members of the League are opposed to compensation;

that the Local Option League would accept the three questions on the ballot-paper as in the Queensland Act; that the local option vote should apply to all licensed houses.

Rev. J. D. Langley is a prohibitionist, but considers that this Colony is not yet ripe for prohibition, and that it must be educated up to it; that local option is the next best system; is not in favour of compensation, but thinks it would be fair to give a monopoly for three years or more, granting no new licenses during that period, when a vote should be taken as to how many and which public-houses should be shut up. 5599-5609.

Mr. G. D. Clark, editor of the *New South Wales Good Templar*, is also a prohibitionist, but accepts local option as an instalment; considers that a vote, if successful, should be in force for three years; but if it failed the people of the locality should have the right to demand another vote within the three years; that the vote should only be taken on the petition of one-sixth of the people in the locality; that the vote should be taken on the Parliamentary Electoral Roll, and that women also should be allowed to vote; that at the end of a period of three years' local option a fresh vote might be allowed on the petition of a majority of voters; that there are no good reasons in favour of compensation. 5760-806.

Rev. R. Sellors states that the Australasian Methodist Church has expressed its approval of local option as at present in force here; is personally in favour of having the power to veto the traffic, that is, that it should apply to renewals; would prefer to give compensation rather than not have the power to veto the traffic; that three or four years' notice to quit would be an equivalent to compensation; that the franchise should be extended to the Parliamentary electors' and to women. 5860-6, 5946.

Rev. J. Jefferis, LL.D., is in favour of local option, and considers that a three years' monopoly would be a fair compensation; that a Permissive Local Option Bill would be a very wise piece of legislation, and that there is a very large and increasing section of the population in favour of local option. 6041-2, 6075-89.

6742, 6767. *Mr. Thompson*, late President of the Amalgamated Licensed Victuallers' Association, is in favour of local option with the extension of the franchise; would give compensation where the houses were closed.

7379, 7399, 7400, 7403. *Mr. North* is in favour of local option, so that the people might say whether they would have any public-houses at all, or only a certain number; thinks that the franchise should be extended to the resident adults, and also to women; and that compensation should be given unless there should be at least five years' notice, and a monopoly during that time.

7754-7. *Mr. Watson*, of the "Paragon Hotel," is in favour of local option, either full or limited, by a fair majority of the householders in a ward, but with compensation.

8342-8. *Sir John Robertson* is strongly in favour of the principle of local option, but thinks the people take no interest in it, and will not vote; that nothing would be gained by enlarging the franchise to the Parliamentary electors; would be in favour of at least a two-thirds majority of the people of each district.

12055. *Mr. Vale*, Secretary to the Victorian Alliance for the Suppression of the Drink Traffic (speaking for Victoria) says that the fact that one-third of the electors on the roll in any district in that Colony must vote to constitute a poll destroys vote by ballot; that the fact of the publicans and the friends of the liquor traffic abstaining from voting makes the law virtually a dead letter.

13351-2, 13363, 13498-9. *Mr. Knapp* states that the Local Option League advocates the extension of the local option vote to renewals; considers that the franchise should be extended to the Parliamentary electors; that the right of the people should extend to local prohibition, and that local option should be by direct personal voting; that at present the League only aims at abolishing public-houses; that with reference to the extension of the franchise in Sydney the number of ratepayers in 1885 was nearly 8,000; that the adult population for the same period was about 40,000; and that therefore if the 8,000 voted for

local option they would override the majority of 32,000 adults; also, that numbers of people are disfranchised by their landlords refusing to allow them to pay the rates, the landlords, in many cases, having an interest in the liquor traffic of the district.

The majority of representatives of the artizan classes examined were in favour of local option in some form, but apparently because it was a democratic principle rather than from any consideration of its general bearings or its probable operation.

[Number of Public-houses.]

Mr. T. K. Abbott, S.M., thinks that there are 50 per cent. too many public-houses in Sydney. 3220.

Mr. Yates, D.S.M., considers that there are too many public-houses. 3399.

Canon Rich thinks that there are far too many public-houses. 3718, 3729.

Mr. Fowler, Superintendent of Darlinghurst Reception House, is of opinion that there are far too many public-houses in Sydney. 3893.

Dr. Manning, Inspector-General of Insane, thinks there can be no doubt as to there being far too many public-houses. 4096-7.

Dr. MacLaurin, Medical Adviser to the Government, considers that the public-houses in Sydney are too numerous. 4583.

Dr. Mackellar, M.L.C., late Medical Adviser to the Government, considers that there are too many public-houses in Sydney. 4773.

Mr. G. D. Clark is of opinion that there are, undoubtedly too many houses in the city and suburbs. 5758.

Rev. R. Sellors, President of the Wesleyan Methodist Church, thinks there are far too many facilities offered for drunkenness, and that the number of public-houses should be decreased. 5859

Rev. J. Jefferis, LL.D., thinks there are too many public-houses in Sydney. 6101.

Mr. Toohey, M.P., referring to the number of public-houses in the metropolitan licensing district, considers that 830 are not too many for the wants of the population, but thinks that in some places 6340-8.

they are too much concentrated; that they are in excess within the city boundary, and should be more evenly distributed over the city and suburbs.

6463-6, 6861. *Mr. J. B. Olliffe, M.P.*, of the "Royal Hyde Park Hotel," considers that the number of public-houses is in excess of the present requirements, and sufficient for the next three years; that at least 100 houses might be done away with without injury to anyone, and with advantage to the community.

6549-51, 6670. *Mr. J. C. Weale*, Secretary to the Amalgamated Licensed Victuallers' Association of New South Wales, thinks there are too many public-houses for the population within the Metropolitan Licensing District; that in some places they are too thickly situated; that at least 100, and perhaps 150, might be dispensed with.

6739-41, 6763-71. *Mr. T. F. Thompson*, late President of the Amalgamated Licensed Victuallers' Association, thinks there are too many public-houses; that from 100 to 150 of the lower class houses might well be dispensed with.

7152-6. *Mr. T. J. Hilder*, traveller for Messrs. Tooth & Co., thinks that there are not too many houses; that they are fairly distributed throughout the wards; that fewer houses in one place would answer the same purpose; but that the fact that they are all paying shows there are not too many there.

7361, 7389. *Mr. J. B. North* is of opinion that in some places in the country there are too many public-houses; for instance, at Katoomba, where the population is only 500, there are three public-houses, and there is another to be opened.

7445. *Mr. W. Selff*, a licensed victualler, thinks that there are too many public-houses, especially in the locality where his house is situated.

7537-9. *Mr. Hunt*, of the "Oxford Hotel," thinks there are too many public-houses in the city, by at least 200.

7732. *Mr. Watson*, of the "Paragon Hotel," thinks that in some parts of the city there are too many public-houses.

7834, 7920. *Mr. F. Smith*, of the "Burrangong Hotel," does not think there are too many public-houses.

[Number of Public-houses.]

Mr. J. H. Rainford, of the "Cambridge Club Hotel," considers that there are a few too many public-houses. 8016.

Mr. C. W. Roberts, of the "Crown and Anchor Hotel," considers that there are too many public-houses, especially in the suburbs, where they are found at almost every corner. 8230.

Sir John Robertson considers that reducing the number of public-houses with the view of lessening drinking is ridiculous as more people would assemble in the houses left, and consequently there would be more drinking; but that if they were reduced with the idea of raising the standard of the houses and the quality of the liquor sold, that would be a good reason for so doing. 8339.

The evidence of representatives of the artizan classes was to the following effect:—

Mr. Gray, from Mort & Co.'s, Engineering Works, states that there are four public-houses close to the works, and that he thinks two would be quite enough; that in the city and suburbs there are too many public-houses. 8461-8, 8483.

Mr. Charlesworth, from Messrs. Hudson Bros.' Works, thinks there are too many public-houses in Sydney. 8769

Mr. Giles, from Messrs. Goodlet & Smith's Works, considers there are too many public-houses in Pyrmont, and also all over Sydney. 8829-32.

Mr. Riley, from Messrs. Farmer & Co., thinks there are about two-thirds too many public-houses in Sydney. 8992-6.

Mr. Paul, Station-master at Darling Harbour, thinks there are too many public-houses for the convenience of the railway men close to his station, and also that there are far too many in Sydney. 9082-3, 9097.

Mr. Hoyle, from the Permanent Way Department of the Government Railways, thinks there are too many public-houses in Sydney. 9173.

Mr. J. W. Morris, from Messrs. Cameron Brothers' tobacco factory, thinks there are not too many public-houses, but that there are too many low ones. 9354.

[Number of Public-houses.]

6411. *Mr. Cock*, from Messrs. Farmer & Co.'s warehouse, thinks that the general opinion of the working-classes is that there are too many public-houses in Sydney.

9484. *Mr. Atkinson*, from the Government Printing Office, states that his fellow-workmen are of opinion that there are one-third too many public-houses in Sydney.

9564-6, 9586-74. *Mr. Watson*, from the Government Printing Office, thinks there are too many public-houses in Sydney, and that the suburbs have more than the city, in proportion to population.

9662-3. *Mr. Hannon*, from the Tramway Department, thinks there are too many public-houses in Sydney, and that at least one-third might be dispensed with.

9763. *Mr. Long*, from Messrs. Lassetter & Co., thinks there are too many public-houses in Sydney generally.

9864-5. *Mr. Gordon*, from the same employ, considers there are too many low class public-houses.

9976. *Mr. Snell*, from the Tramway Department, considers that there are a third too many public-houses in Sydney.

10070-1 *Mr. Liston*, from Messrs. Dixson & Son's Tobacco Factory, is of opinion there are too many public-houses here, and that they might be diminished by a great many.

10151-4, 10,197. *Mr. Sharp*, from the same factory, thinks there are twice too many public-houses, and that there are more in Sydney than in Bradford, in Yorkshire, in proportion to the population.

10301. *Mr. Talbot*, from Messrs. M'Murtrie, Kellerman, & Co.'s boot factory, thinks there are too many public-houses here.

10306-8. *Mr. C. E. Smith*, from the same factory, thinks there are too many public-houses in Sydney generally, although there is only one at Summer Hill where he lives, and which is quite enough.

10640-2, 10674-8 *Mr. Davidson*, from Messrs. Flood & Co.'s stores, thinks there are too many inferior public-houses in Lower George-street and Miller's Point; that they should be reduced by a system of distance, one from another, not as they are at present, almost next door to one another.

[Number of Public-houses.]

Mr. Sayers, from the same employ, thinks there are far too many public-houses generally in Sydney. 10813.

Mr. O'Connor, from Messrs. A. Hordern & Sons, thinks there are too many public-houses in the vicinity of their shop; that half the number would be sufficient. 10895-6.

Mr. R. Melhuish, from the same shop, thinks there are far too many public-houses in the neighbourhood of their shop. 10993

Mr. J. White, from the Corporation works, thinks there are too many public-houses in the city. 11063.

Mr. J. Davis, from the same works, considers that there are too many public-houses in Sydney for the reasonable wants of the people. 11104.

Mr. H. Ford, from Messrs. Dalgetty & Co.'s Wharf, is of opinion that there are too many public-houses in the neighbourhood of the wharves. 11183.

Mr. H. Becket, from the same wharf, considers that there are far too many public-houses near the wharves, and that at least five or six might be taken away with advantage. 11293-5

Mr. Collins, a journeyman tailor, considers there are too many public-houses in Sydney generally; that they might be reduced by one-third. 11363, 11375-6

Mr. Beaney, from Messrs. Mitchell & Co.'s stores, thinks that there are far too many public-houses in Lower George-street, near the Circular Quay, and that the number might be reduced to two or three in that locality; and that by reducing the number of public-houses those remaining might be better conducted and lead to less intemperance. 11594-606.

Mr. Russell, a cabman, thinks that public-houses are too numerous in Sydney. 11726.

Mr. Davis, secretary of the Federated Seamen's Union, considers there are far too many public-houses in the neighbourhood of the wharves; that fifteen can be counted in one locality. 11886-7.

Rev. W. Bradley, chaplain of the Sydney Bethel Union, thinks there are far too many public-houses in the vicinity of the wharves. 11979.

Mr. Atkinson, a member of the Seamen's Union, considers there are too many public-houses in Sydney, especially low class houses, in such localities as Lower George-street and Woolloomooloo. 12528.

[Number of Public-houses.]

10626-9. *Mr. Shearston*, Sailors' Missionary, thinks there are far too many public-houses in the locality of Miller's Point, and also in that of Lower George-street.

12743-5. *Mr. Simpson*, a member of the Sydney Progressive Society of Carpenters and Joiners, considers there are too many public-houses in Sydney generally.

12823. *Mr. Riley*, a member of the United Plasterers' Society, thinks there are too many houses in the locality of Woolloomooloo.

12847-50. *Mr. A. Wagg*, a member of the Sydney Progressive Society of Carpenters and Joiners, thinks that there are at least two too many public-houses in the locality in which he lives, and also that there are too many throughout Sydney generally.

3175-9. *Mr. W. More*, a stonemason, and a member of the Trades' Union, thinks there are too many public-houses in the locality in which he lives, but that he does not think that intemperance would necessarily be lessened by their reduction.

13200-2. *Mr. J. Ware*, a member of the same society, considers there are too many public-houses in Sydney, and that the number should be reduced.

13332-4. *Colonel Ballingall*, a Member of the Legislature of Iowa, thinks there are a very great number of public-houses in Sydney, but does not think that their reduction would necessarily mean a reduction in intemperance.

13396-8. *Mr. Knapp*, Secretary to Local Option League, thinks that by reducing the number of public-houses to some statutory number, the incentives to intemperance would be lessened, and states that he has been told by men that they have had sufficient resolution to pass two or three houses, but when they have to pass twenty or so they find the temptation too strong.

13587-8, 13636. *Mr. C. B. Hayes*, lately from Canada, states he has seen a very large number of public-houses in Sydney, a very much larger number than there would be in a town of similar size and population in Canada; that chemists are permitted to sell spirits on a doctor's prescription in Canada, but this practice is seldom abused.

[Private Bars, Up-stairs Bars, or Café Bars.]

Mr. Fosbery, Inspector-General of Police, states that these bars are sublet to attractive females, who have the reputation of being women of loose character. 80-3.

Inspector Anderson believes that these bars do more harm than Sunday-selling; has seen men and women behaving disgracefully in places connected with them, and that the women in them are not always of the best character; that they are sublet; that the respectable hotelkeepers object to them; that they ought not to be permitted; would not object to them if there were no barmaids; considers that one refusal of a renewal on this account would do more good than 100 heavy fines. 418-27, 485-6.

Inspector Mackay says that there have been one or two in his division; that they are principally frequented by young men about 18 or 20 years of age; is of opinion that they are sublet, but cannot prove it; there are three women generally in these bars, where 6d. is charged for all drinks; and he is strongly opposed to them. 886 90.

Sub-Inspector Atwill can trace a great deal of drunkenness to these bars; they are sublet, but the women who conduct them are in some bars paid £1 a week so as to appear to be servants; that in a certain case the lessee of the bar stated he did not care whether the bar was kept respectable or not as long as he got his rent; this woman and man were both fined; says that some houses have three or more of these bars; that he does not object to two bars on the ground-floor, or elsewhere, as long as gay women are not allowed to keep them; some houses have five up-stairs bars. 975-84, 1135, 1136 1155.

Sub-Inspector Lenthall says that there are about thirty-five* of these bars in the city, principally kept by women; that these women have a fast appearance, but are not known as prostitutes to the police; they are supposed to rent the bars from the landlords; these women pay so much a week, and the landlord takes a receipt for wages to make it appear that they are servants; is not aware of their being used as assignation rooms; has never seen 1815-9, 1834, 1840, 1964.

* This was in 1886; the number has now largely increased.

other women than the barmaids there; that the price of liquor in these bars is 6d., and is of opinion that these bars when kept by women are decidedly objectionable; thinks they ought to be abolished; that private bars are altogether distinct from the up-stairs bars before mentioned; that men of all ages frequent them.

2077, 2101, 2133, 2135, 2170-3. *Inspector Camphin* considers these bars to be most undesirable places, and that the people conducting them are not of the best character; thinks they ought to be abolished, especially those conducted by women; says that the girls conducting them have a gay appearance, but he has never seen women of loose character in them; the bars would be harmless but for the employment in them of women; and that the inducement to frequent them would be gone were they conducted by men.

2349, 2437. *Mr. Macintosh, M.L.C., L.M.*, says that numbers of these bars exist, and that they are the main cause of young men going wrong to the extent they do; that they are a great evil, although some may be a convenience.

2539, 2553-5. *Mr. Marsh, S.M.*, knows nothing of such bars; sees no objection to all bars being on the ground-floor; thinks also that landlords ought to apply for permission to establish a second bar; as far as he knows the Inspectors have never brought the existence of these bars before the Bench.

2650-3, 2707. *Mr. Buchanan, S.M.*, has been told up-stairs bars are sublet to women of doubtful character, which he thinks is most undesirable; is entirely opposed to such a system; no up-stairs bars ought to be allowed under any circumstances whatever; thinks that there should be a separate license for every bar, and that every facility should be given to the police to visit and inspect them.

2819-20. *Mr. Johnson, S.M.*, is aware of the existence of up-stairs bars, and is decidedly opposed to the practice of employing women to serve behind bars.

2894-5, 2965-6. *Mr. Addison, S.M.*, does not think there are any hotels in the city with more than three bars; would not allow any up-stairs bars, as they take away the chance of police inspection; all bars should be on

the ground-floor, and an extra fee of £10 charged for each extra bar; the fact of subletting would be a good ground for refusal of renewal if proved.

Mr. Fisher, *D.S.M.*, thinks that these bars are a mistake as a rule, but that they might be one of the privileges of first-class and well-conducted hotels, and that there should be a fee for each extra bar. 3084 6.

Mr. Abbott, *S.M.*, thinks that it would be better to allow no up-stairs bars owing to the difficulty of inspection; ground-floor bars are readily open to inspection. 3255.

Mr. Yates, *D.S.M.*, objects to more than one bar, and thinks that that one should be on the ground-floor; the multiplication of bars leads to drinking, and gives greater facilities for drinking; thinks the law should be amended so as to prevent the multiplication of bars. 3365–7.

Canon Rich objects to private and up-stairs bars. 3742.

Bishop Barry would certainly be in favour of abolishing up-stairs bars presided over by women. 4861.

Rev. F. B. Boyce considers these places very bad, and that only one bar should be allowed to each house, and that as public as possible. 5283–5.

Rev. J. D. Langley is in favour of abolishing these bars, and of having bars only on the ground-floor; believes private bars to be a very mischievous element; the young learn to drink in them, and afterwards visit the public bars. 5046–8.

Mr. Clark would only allow one bar to each house, and that on the ground-floor, and as close as possible to the street door. 5754–5.

Rev. R. Sellors considers one bar sufficient; objects to up-stairs bars presided over by women; and believes that every bar should be open to the view of the public. 5854–6.

Mr. Toohey, *M.P.*, thinks that the manner in which these bars are conducted ought to receive the serious attention of the Commission; admits that some bars may be a great convenience to people who want a first-class glass of liquor, but that if it is proved that they are badly conducted then only down-stairs bars should be allowed; knows nothing 6209–12.

of the subletting, and has been unable to get any information on that point; does not think that having
6237. them on the ground-floor would be a radical cure of the system now carried on; considers that strict supervision by the police is all that is necessary; that if up-stairs bars are done away with the bars will only be removed down-stairs; and if private bars are done away with the privilege of getting good liquor will also be done away with.

6633-8, 6646. *Mr. Weale*, Secretary to the Amalgamated Licensed Victuallers' Association, says that the removal of all up-stairs bars was one of the first matters considered by his Association; that his Association objects to the subletting of bars, whether up or down stairs; that it is necessary to have a 6d. and a 3d. bar, in order to simplify the trade, and to keep separate two classes of people.

6836-41. *Mr. Olliffe, M.P.*, of the "Royal Hyde Park Hotel," believes some of these bars are sublet to females, and that some are conducted in a disgraceful manner; would not be in favour of these bars unless they are under the strict supervision of the police; considers the majority of them at present are carried on for purposes contrary to the Act; that some are a convenience to the people.

7532-3. *Mr. Hunt*, of the "Oxford Hotel," thinks that it is necessary for large hotels to have two bars, but not up-stairs bars, which he does not consider necessary, and which are in many cases very badly conducted, being sublet to women, who are not always of the highest character.

7714-18, 7723. *Mr. Watson*, of the "Paragon Hotel," states that it is necessary to have two bars; that he does not approve of up-stairs bars; that no extra fee should be charged for extra down-stairs bars; that he would not abolish up-stairs bars altogether, but only those that were sublet to women and badly conducted.

7818-9. *Mr. Smith*, of the "Burrangong Hotel," does not consider it necessary to have more than one bar, whether up or down-stairs.

8210-1. *Mr. Roberts*, of the "Crown and Anchor Hotel," is in favour of two bars on the basement floor; that he will not express his opinion about up-stairs bars,

except that they should be under the management of the licensee, and that they are a convenience to some people.

Mr. F. E. Watson, from the Government Printing Office, has been in these bars; does not consider them decent places for the resort of young men; that they are sublet to women; are not a necessity, and ought to be abolished. 9595-9.

Mr. Dunshea, from the *Sydney Morning Herald* Office, thinks that all up-stairs bars should be abolished; has been in them, and seen and heard sufficient to make him believe that but for these places some of the houses would have to close. 10580, 10589.

Mr. Russell, a cabman, has never proved that anything wrong occurs in these bars; that no women except the barmaids are allowed in them; that there are forty or fifty of them in the city; that the bars are sublet; that the women do not live in the house. 11750-62.

Mr. Law, a cabman, says that his opinion of these bars is a very bad one, although he generally goes there for a good glass of liquor; he knows that some of them are sublet; they are all called private bars. 11798, 11806.

Mr. Richardson has no personal knowledge of these bars, but believes numbers of respectable citizens have been shocked by being decoyed into private bars presided over by women; that he was informed that there were women there with whom arrangements might have been made; that the dresses were unbecoming; and that some of the girls sat on the men's knees, and threw their arms round their necks. 12346, 12354.

Mr. Knapp, Secretary to the Local Option League, took an office next to the "City Bank Hotel," which he found to be anything but respectable; young men and girls could be seen at all hours of the day going into dormitories together; the head bar-woman was a known prostitute—in fact the place was nothing better than an assignation house; says that these bars have a disastrous effect on young men; that there should only be one bar allowed, and that one open to the public view; that a bar is worse than a parlour. 13469, 13478, 13480.

62-8, 226-32. *Mr. Fosbery*, Inspector-General of Police, has been officially informed of the establishment of clubs with a subscription of 10s. per annum, for the purpose of evading the Act and enabling the members and their friends to obtain drink at any time; that there have been no reports by the police against these clubs; that they are not the outcome of the present Act, but might have existed under any Act; thinks however that there are not more than half a dozen in Sydney; but that they are likely to increase.

654-61. *Inspector Waters* has never heard any complaints about these clubs, nor has he any knowledge of any workingmen's clubs being established in his division for the mere purpose of obtaining drink at any time.

957-8. *Inspector Mackay* has no knowledge of any "drinking clubs" in his division.

1430-41. *Sub-Inspector Cotter* states that there is a club in his district, the subscription to which is 10s. 6d., and that drinking is carried on there on Sundays by the members and their friends; does not think clubs ought to be allowed to compete with public-houses, or that any exceptions should be made in favour of clubs.

1552. *Sub-Inspector Larkins* knows of no "drinking clubs" in his division.

1749. *Sub-Inspector Potter* knows of no "drinking clubs" in his division.

2445-7. *Mr. Macintosh, M.L.C., L.M.*, considers that these "drinking clubs" do a very great deal of harm to the young men of the Colony; that a higher license fee than that for a public-house should be imposed on them; that these clubs are more frequented on Sundays than on week-days.

2718-21. *Mr. Buchanan, S.M.*, has heard of these "drinking clubs" being established, and thinks that they should be treated as ordinary sly-grog-shops.

2835. *Mr. Johnson, S.M.*, is not aware of any "drinking clubs" having been established.

2957, 3000-2. *Mr. Addison, S.M.*, has no knowledge of any of these "drinking clubs" being established.

3128-9. *Mr. Fisher, D.S.M.*, has heard of "drinking clubs" being started for the purpose of obtaining

drink on Sundays, and thinks that if the public-houses were opened for a short time on Sundays these clubs would at once close.

Mr. Abbott, S.M., believes the Licensing Act has been the cause of the introduction of a number of "drinking clubs," but knows nothing about them officially. 3245-7.

Mr. Yates, D.S.M., has heard of these "drinking clubs" being started, and considers all clubs should be licensed. 3436.

Rev. J. D. Langley has no knowledge of any "drinking club" being started in his parish for the purpose of evading the Sunday closing clauses of the present Act. 5644.

Mr. Weale, Secretary to the Amalgamated Licensed Victuallers' Association, has heard of the establishment of these "drinking clubs," and also states that he brought the fact of their existence under the notice of the police, who, however, cannot interfere. 6628-30.

Mr. Thompson, wine and spirit merchant, and late President of the Amalgamated Licensed Victuallers' Association, knows that a number of these "drinking clubs" have been started in the city and suburbs for the purpose of evading the early and Sunday closing clauses of the Licensing Act. 6764-3.

Mr. Olliffe, M.P., of the "Royal Hyde Park Hotel," is aware that there are a number of these "drinking clubs" in the city and suburbs; that they increase the facilities for drinking, and are the result of Sunday prohibition. 6830-4

Mr. North has no knowledge of these "drinking clubs," and would be totally opposed to them. 7345-6.

Mr. Selff, of the "Star Hotel," has no knowledge of the existence of any "drinking clubs" in his district. 7450.

Mr. Hunt, of the "Oxford Hotel," knows of the existence of two "drinking clubs"; that one of them adjoins an hotel with which the members have access; thinks that these clubs should be licensed. 7563-6.

Mr. Watson, of the "Paragon Hotel," has heard of several of these "drinking clubs"; that they have sprung up since the passing of the present 7726-31.

[Drinking Clubs.]

Act, and for the purpose of evading it; that the cost of membership is merely nominal, and that they are always open.

7964. *Mr. F. Smith*, of the "Burrangong Hotel," is aware of the existence of some of these "drinking clubs," and thinks them perfectly legitimate.

8257-8. *Mr. Roberts*, of the "Crown and Anchor Hotel," has heard of the establishment of these "drinking clubs"; considers that they ought to be licensed; and that it is an injustice to the publicans that they should not be.

11220-2. *Mr. Ford*, from Messrs. Dalgety & Co.'s wharf, states that a club called the "Buffaloes" used to be held in the "Lord Nelson Hotel"; that some of his men lately joined it and told him about the sprees they had there on Sunday nights.

12111-4. *Mr. J. Vale*, Secretary to the Victorian Alliance for the Suppression of the Liquor Traffic, states that in the Victorian Act there is a clause defining a club, and that they shall consist of not less than fifty members, no one of whom shall have more interest in the club than another; that they would also have to get a certificate from the Licensing Court, which would not be granted if it were known or suspected that the club was being started for the purpose of obtaining drink only; that there are only two or three working men's clubs in Victoria.

[Brewers' or Tied Houses.]

The custom of brewers and wine and spirit merchants holding an interest in public-houses is the result of keen competition, and thereby the necessity of their having an interest in the trade in order to maintain and if possible increase their own trade. The system is as follows: A man has £300 to £400, and is anxious to get into a house; he goes to a broker who tells him of a house, the cost of which is £800 to £1,000 and that if he will put down his £400, a certain brewer or wine and spirit merchant, as the case may be, will advance the rest on security of a bill of sale over the premises and any other security that is thought necessary, with a condition

that all liquors are to be purchased from the said brewer or spirit merchant, and a transfer signed in blank (which is stated to be of no real value).

Sub-Inspector Atwill states, with reference to this system, that there are a number of houses held in this manner in his division; that he has been told by publicans that they have been forced to sell on Sundays in order to meet their liabilities, and that often, the price paid being far in excess of the value of the business, they have been forced to realize and leave the business, by the people in whose hands they were; that they have to sell whatever is sent to them often to the detriment of their business. 1039, 1100

Sub-Inspector Potter states this system prevails all over the city; that the licensees leave the hotels poorer than when they started; and that in one case he knew a licensee to be encumbered with half the debt of his predecessor. 1644, 1647.

Mr. Macintosh, M.L.C., L.M., considers that a larger number of houses than formerly are held in this way; also that in some cases the brewer leases a house and puts a man in, taking a bill of sale over the whole of the property, as security, and a condition that he (the brewer) supplies the house; that this is also done by persons who are not brewers; that the result of this system is that men of no means get into houses and that they have to break the law in order to meet the enormous expenses they have to pay, besides having to fill their houses with boarders. 2301, 2302, 2328

Mr. Addison, S.M., believes that a great many houses are held under this system; that they are being perpetually transferred to men who appear to be the servants of brewers; that they are generally second-class houses, and used principally as a means of increasing the brewers' trade. 2928, 2930, 2531.

Mr. Toohey, M.P., states that any publican can at once return any beer which he does not consider good, and that, by the conditions under which his firm and others sell, they are obliged to take it back; that the system of advancing money commenced about ten years ago; that it exists in England, and he thinks in all British communities, and is as follows:—The brewer advances money to assist the publican to take an hotel conditionally, on his 6176, 6180, 6224. 6374.

giving the whole of the trade of the hotel to that brewer, and paying a fair rate of interest for the money, in fact always bank interest. The publican wants to take a house worth £800; he has £400, and the brewer advances him the remainder; that it is beneficial to the publican, because where a man has a large sum of money invested he is desirous that his business should progress; the brewer, on the other hand, desires to get his money back and see a good trade done, and is, therefore, not likely to supply inferior articles, particularly as it is in the power of the publican to transfer his obligation from one brewer to another; that it is an advantage to the public and is a system that ought to be encouraged; that it is impossible for the brewer to force the publican to transfer against his will on the blank transfer held, as the publican can always go to the Court and say he wishes to withdraw the transfer.

7025–32, 7042, 7049, 7091. *Mr. Hilder*, traveller for Messrs. Tooth & Co., does not think half the houses in the city are "tied houses," and says that it is usual for the publican to pay two-thirds, and the brewer to advance the other third, taking as security a bill of sale on the lease, furniture, and stock, &c., or a mortgage on any freehold property which the publican may own; that there is a condition in the bill of sale that the publican must deal with the brewer; a blank transfer is also given, which is only of use in the case of a publican absconding; that it is necessary for both applicants for a transfer to appear before the Bench, and that a publican can at any time refuse to complete it; that very few freehold of public-houses are held by brewers.

7933. *Mr. Smith*, of the "Burrangong Hotel," considers that the fact of a house being "tied," is against good honest trade; that the publican may be forced to give up his business, making the best terms he can, and another man takes his place, and the same thing occurs again.

8033. *Mr. Rainford*, of the "Cambridge Club Hotel," states that if bad beer is sent out from a brewery it can always be returned, whether from a free or "tied" house.

Mr. Palmer thinks that "tied" houses deteriorate the status of a man's house; that it places the publican in the position of a servant to the brewer.

Mr. M. Joseph, hotel-broker, does not consider a house "tied," except where the brewer holds the freehold and leases it, or is the leaseholder with power to sublet; states that the publican is not under the control of the brewer when money has been advanced on his house, &c., as the publican can transfer his liability from one brewer to another at any time; that the blank transfer is in reality worthless, as the publican can refuse to transfer at any time; that the only way a brewer can go to extremes is by enforcing his bill of sale and putting a bailiff in; that the whole of the securities of a brewer are not of much good, as the security over the lease is of no value to the brewer, and the blank transfer can be revoked at will by the publican; the only case in which a blank transfer is of value is when the publican absconds, and even then the Bench are not bound to accept it; that his view of a "tied house" is where the brewer holds the freehold and sub-leases it for a term to a publican, tying him down to deal with him, which if he fails to do he can be ejected; that he has only known of one case where a bond was taken to insure the publican dealing with the brewer. 8375-77, 8381, 8390, 8392, 8325, 8397, 8378.

Mr. Vale says that in Victoria the system of tied houses works thus: "A man comes from the country with a little money (say £300) and he has an impression that keeping a public-house is a nice easy way of getting a living. He goes to a brewer or spirit merchant. The brewer puts him into a house, takes the money he has, and advances the rest. In (say) six, nine, or twelve months, usually in a very short time, the man who has invested his £300 is glad to get out, minus the money which he put into the concern. Therefore he is interested in deceiving the incoming tenant as to the nature of the business, and so another victim is secured. The majority of these brewers' houses do not pay, they are only kept going by the ruining of the successive tenants"; that the brewer cannot appear as having 12113-24.

an interest in the lease; he can only advance the money on the understanding that the licensee deals with him; that this system keeps up the price of good-wills artificially.

[Colonial Wine Licenses.]

74-79. *Mr. Fosbery*, the Inspector-General of Police, considers that Colonial wine licenses have their advantages; that no doubt some of these wine-shops are used for selling bad spirits; that the wine sold is too new, and is seldom if ever asked for in country public-houses; but that the consumption has increased in the city among the better classes.

431-2, 508-11. *Inspector Anderson* considers that the Colonial wine-shops in his division are fairly well conducted; that some are very beneficial to the public; that no complaints have been made as to the quality of the wine sold.

839-40. *Inspector Mackay* states that there are fifteen Colonial wine-shops in his division, but only two of them sell wine by the glass.

1072-3. *Sub-Inspector Atwill* states that, with the exception of two or three, all the Colonial wine-shops in his division have proved a great evil.

1259-64. *Sub-Inspector Cotter* states that there are five Colonial wine-shops in his division; that they are generally well conducted, and carried on in conjunction with a grocer's shop.

1473-4. *Sub-Inspector Larkins* states that there are five or six Colonial wine-shops in his division; that they are well conducted, but do very little business; that some grocers hold Colonial wine licenses.

1986-8. *Sub-Inspector Lenthall* considers that the wine sold in Colonial wine-shops is good, pure, Colonial wine; states that a few convictions have been obtained against wine shop-keepers for selling spirits.

2311-6. *Mr. Macintosh, M.L.C., L.M.*, states that he has seen more demoralization about the wine-shops in the country than about public-houses; that the very worst description of spirits is sold in them; that those in Sydney are generally conducted by foreigners; and that they are not, in his experience, a well-conducted class.

[Colonial Wine Licenses.]

Mr. Marsh, S.M., thinks that in the country all sorts of liquors are sold under the cover of these licenses; but that he has no knowledge of its being so in Sydney, although he has a strong suspicion that it is so. 2486-8.

Mr. Johnson, S.M., thinks Colonial wine licenses a great curse, that these wine-shops degenerate into places where very bad spirits are sold, and are simply a cover for sly-grog selling; that these licenses are applied for by small shopkeepers and greengrocers, and it is most undesirable that they should be licensed. 2785-8.

Mr. Fisher, D.S.M., states that he has heard no complaints about these licenses. 3185-6.

Mr. Abbott, S.M., considers that most of the Colonial wine-shops in the Colony are also sly-grog shops. 3251.

Mr. Yates, D.S.M., thinks Colonial wine licenses ought to be abolished; that, apart from other accommodation, it is a bad system, and leads to illicit trading in spirits of the worst description. 3369-76.

Rev. R. Sellors thinks that Colonial wine licenses have proved a great curse; that the wine sold has a large quantity of spirit added to it. 6056-8.

Mr. Watson, of the "Paragon Hotel," considers that Colonial wine-shops are not required, and that all descriptions of liquors are sold in them and not those of the best quality. 7740-3.

Mr. Smith, of the "Burrangong Hotel," considers that Colonial wine-shops are generally badly conducted. 7969.

Mr. B. Palmer thinks that drunkenness might be lessened by the encouragement of the sale of Colonial wines, but has no knowledge as to the manner in which Colonial wine-shops are conducted. 8121-2.

Mr. F. E. Watson, from the Government Printing Office, does not think spirits are sold under cover of Colonial wine licenses, but that the wine is strongly fortified with spirit. 9593-4.

Mr. Vale, Secretary to the Victorian Alliance for the Suppression of the Liquor Traffic, thinks that wine licenses ought to be abolished; that frequently they are simply a cover for sly-grog-selling. 12087-8, 12172.

[Colonial Wine Licenses.]

12691-4. *Mr. Shearston,* Seamen's Missionary, considers that Colonial wine-shops do a very great deal of harm by supplying children with wine, there being no limit of age with regard to them; that the Colonial wine-shops are the nurseries for the public-houses.

[Barmaids.]

1725-6. *Sub-Inspector Potter* considers a public-house bar the last place a woman should be employed in; that a clause prohibiting their employment would be beneficial.

1967-71, 2013-18. *Sub-Inspector Lenthall* does not think the calling itself would lower any respectable young woman in the estimation of her friends, but would not like to see his own daughter in a bar.

2103-5, 2173. *Inspector Camphin* is decidedly against their employment; thinks that their presence induces young men to visit the bars, which leads them into drinking habits.

2458. *Mr. Macintosh, M.L.C., L.M.,* is not against barmaids being employed; thinks respectable girls would act as a check on the coarse behaviour of young men.

2568-71. *Mr. Marsh, S.M.,* thinks it would be interfering with the liberty of the subject to prohibit their being so if they choose; that it is a dangerous calling; that only married and matured women should be allowed, certainly not young ones.

2725-6. *Mr. Buchanan, S.M.,* does not approve of barmaids but does not think it would be prudent to interfere with their employment.

2902-3. *Mr. Addison, S.M.,* does not approve of the employment of barmaids; thinks they act as decoys to young men.

3141-3. *Mr. Fisher, D.S.M.,* considers there is a good deal of evil attached to the custom; would allow them to be employed in first-class hotels but not in low-class ones.

3281-3. *Mr. Abbott, S.M.,* considers it a dangerous calling; that it would no doubt be an advantage to the community to prohibit their employment.

[Barmaids.]

Mr. Yates, D.S.M., is opposed to their employment, and considers it adds to the attractions of the place. 3415.

Mr. Read, Governor of Darlinghurst Gaol, has known cases of barmaids being in gaol, suffering from *delirium tremens*; thinks that the occupation tends to demoralize them. 3633-9.

Canon Rich considers that it is very undesirable occupation for women to be engaged in; that it tends to their demoralization; that they also act as decoys and induce young men to drink who otherwise might not do so. 3740-1.

Mr. Powell, Collector of Customs, is decidedly against the employment of barmaids but does not consider it a subject for legislation. 4003-5.

Mr. Noble, Temperance Lecturer, would not permit the employment of barmaids. 4565.

Bishop Barry would not permit the employment of barmaids, and considers it is a most undesirable position for a young woman to be placed in. 4857, 4900.

Rev. F. B. Boyce, on behalf of the Local Option League, objects to the employment of barmaids, and states that the Local Option League was the means of bringing in a Bill for their abolition two and a-half years ago, which was defeated by one vote in the Upper House. 5279-80.

Mr. Booth, Temperance Lecturer, is in favour of prohibiting women from being employed as barmaids, and states that none are employed in the States of America. Thinks this employment more degrading than the employment of women and men together in factories. 5526-8, 5542.

Rev. J. D. Langley considers that the employment of women in bars is more demoralizing than the mixed employment in factories; would not permit the employment of women, even those in the family of the publican; that it is degrading the womanhood of our Colony. 5629, 5614-6, 5662-3.

Rev. R. Sellors thinks bars most undesirable places for women to be employed in on account of the language often used by those under the influence of liquor. 5876-7.

6068-9. *Rev. J. Jefferis, LL.D.*, thinks it is a most undesirable employment for young women.

6879-88. *Mr. Olliffe, M.P.*, of the "Royal Hyde Park Hotel," sees no harm in women being so employed as long as they are respectable and well behaved; thinks factories far worse places than bars.

7230-1. *Mr. Hilder*, traveller for Messrs. Tooth & Co., does not approve of young girls serving behind bars, but thinks if they were altogether done away with some of them might lead worse lives.

7374-7. *Mr. North* is decidedly against the employment of women or girls in bars; thinks bars worse than factories; thinks that no woman, whether wife or daughter of the publican or not, ought to be allowed behind a bar.

7491-3. *Mr. Selff*, of the "Star Hotel," thinks barmaids quite able to take care of themselves; allows his daughters to serve.

7627-9. *Mr. Hunt*, of the "Oxford Hotel," sees no objection to the employment of young women as barmaids; treats them as his own daughters.

8272. *Mr. Roberts*, of the "Crown and Anchor Hotel," sees no objection to their employment.

All the witnesses from the artizan classes, who were asked about barmaids, were against their employment, with the exception of Sharp and Melhuish, whose ideas are here given.

10180. *Mr. Sharp* sees no reason why a respectable woman should not be employed in a bar, but would not allow one of his own daughters to be so.

11032. *Mr. Melhuish* sees no harm in their employment.

2176-8. *Mr. Vale*, Secretary to the Victorian Alliance for the Suppression of the Liquor Traffic,—A great deal of apathy shown in Victoria on this question.

12344-6. *Mr. Richardson*, Temperance Advocate, has no experience on this subject, but is of opinion that their calling is a dangerous one, not only to themselves but to young men, and states that a return from Melbourne shows that 50 per cent. of the women of ill-fame had been barmaids.

12697-8. *Mr. Shearston*, Sailor's Missionary, thinks barmaids ought not to be employed, as hearing the

language of half drunken men tends to debase them, and states that they are employed to visit the men-of-war and other steamers and distribute cards; that they wait about the Macquarie-steps for the same purpose when the leave-boats are expected from the men-of-war in port.

Mr. Knapp, Secretary to the Local Option League, states that he petitioned Parliament, in connection with the Women's Christian Temperance Union, for the abolition of barmaids; that some six years ago he went into a bar where there were more barmaids than necessary, and saw small rooms partitioned off, and young men going into these rooms with their arms round the women's waists. 13468-72.

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